

2001 DRAFTING REQUEST

Bill

Received: 01/05/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing:

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Correctional System - jails

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Maintenance payments for persons in jail for DOC hold

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	nelsorp1 01/16/2001	hhagen 01/26/2001	martykr 02/01/2001	_____	lrb_docadmin 02/01/2001		S&L
/1	nelsorp1 02/12/2001	hhagen 02/12/2001	pgreensl 02/12/2001	_____	lrb_docadmin 02/12/2001		S&L
/2	nelsorp1 02/14/2001	hhagen 02/14/2001	rschluet 02/15/2001	_____	lrb_docadmin 02/15/2001	lrb_docadminS&L 02/15/2001	
/3	nelsorp1 02/19/2001	wjackson 02/19/2001 gilfokm 02/19/2001	jfrantze 02/20/2001	_____ _____ _____	lrb_docadmin 02/20/2001	lrb_docadminS&L 02/20/2001	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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2/19 Discussion with DOC & Scott - Med Care is extra!

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/1	nelsorp1 02/12/2001	hhagen 02/12/2001	pgreensl 02/12/2001	_____	lrb_docadmin 02/12/2001		S&L
/2	nelsorp1 02/14/2001	hhagen 02/14/2001	rschluet 02/15/2001	_____	lrb_docadmin 02/15/2001	lrb_docadminS&L 02/15/2001	

FE Sent For:

13-2/19-01 *2/20* *2/20*
<END>

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/1	nelsorp1 02/12/2001	hhagen 02/12/2001	pgreensl 02/12/2001	_____	lrb docadmin 02/12/2001		S&L

FE Sent For:

12hmk
2-14-01

[Signature]
2-15-01

[Signature]
2-15-01

<END>

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Topic:

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Instructions:

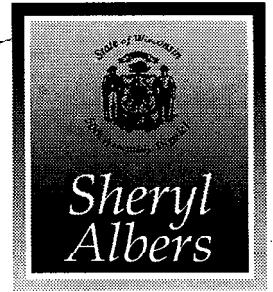
See Attached

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>
1?	nelsorp1	1 p1 hmk 1/26/01	2/2 Vn 2	RS 2 KMT			
FE Sent For:		1 hmk 2/13/01	2/12 pg	2/12 pg/ch			

<END>

RPN
2



To: Attorney Robert P. Nelson, LRB-Drafting
From: Attorney Scott Harold Southworth, Research Assistant

Date: January 10, 2001

Subject: County Jail Reimbursement for State Probation and Parole Holds

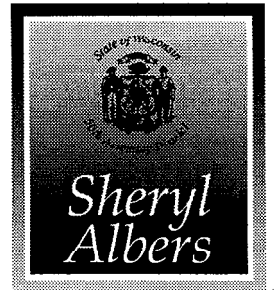
After talking with our local county sheriff and the Counties Association, I need to make one change to the draft language I sent over in the initial drafting request, dated 5 Jan 01. Specifically, we don't want the "willing and able" language in "Section 2" (which changes s. 302.33 (2) (a) 2.). Instead, we want an objective standard that requires the state to pay for a DPP hold if the individual is offered a signature bond or a cash bond of no more than \$500 after being charged with a new crime.

The problem with the current language I put together stems from current practice amongst in-the-know DPP holds. Apparently, if they don't sign a signature bond or attempt to post cash bond at the same time they are being placed on a DPP hold, they will get credit for the time served under their hold *and* time served for the crime for which they are being charged (assuming they will be convicted). We could attack the double-dipping on time-served, but that gets us into a different (and possibly controversial) area of the legal system. In essence, Section 2 of my suggested language should read as follows:

SECTION 2. 302.33 (2) (a) 2. of the statutes is amended to read:

302.33 (2) (a) 2. The department shall ~~not~~ pay for persons who have a pending criminal charge charges if the department places a hold on a person after a judge orders the person released on a signature or a cash bond of not more than \$500. Reimbursement shall begin with the first day the person spends in a county jail or a tribal jail under s. 302.445 on a departmental hold after the county would otherwise release the person on a bond, whether or not a departmental hold has been placed on the person. Payment for maintenance by the department is limited to confinements where an offender is held solely because of conduct which violates the offender's supervision and which would not otherwise constitute a criminal offense.

If you have any questions, give me a call at 6-8531. Note that I e-mailed you the full body of the draft language (including this change) in case you want to do a cut and paste. Thanks.



To: LRB – Drafting
From: Representative Sheryl K. Albers

Date: January 5, 2001
Subject: County Jail Reimbursement for State Probation and Parole Holds

Please draft a 2001 Assembly Bill that makes changes to the maintenance payment system for persons held in a county jail on a department of corrections hold. My staff attorney, Scott Harold Southworth, prepared the following draft language for your reference. Thank you.

SECTION 1. 302.33 (2) (a) of the statutes is amended to read:

302.33 (2) (a) The department shall pay for the maintenance, including any necessary medical care, of persons in its custody who are placed in the county jail or other county facility, or in a tribal jail under s. 302.445, pending disposition of parole, extended supervision or probation revocation proceedings subject to the following conditions:

SECTION 2. 302.33 (2) (a) 2. of the statutes is amended to read:

302.33 (2) (a) 2. The department shall ~~not~~ pay for persons who have a pending criminal charge charges if the department places a hold on a person after a judge orders the person released on a signature or cash bond and the person is willing to sign the signature bond or willing and able to post the cash bond. Reimbursement shall begin with the first day the person spends in a county jail or a tribal jail under s. 302.445 on a departmental hold after the county would otherwise release the person on a bond, whether or not a departmental hold has been placed on the person. Payment for maintenance by the department is limited to confinements where an offender is held solely because of conduct which violates the offender's supervision and which would not otherwise constitute a criminal offense.

SECTION 3. 302.33 (2) (a) 3. of the statutes is amended to read:

302.33 (2) (a) 3. Subject to the conditions in subds. 1. and 2., after After verification by the department, it shall reimburse the county or tribal governing body at a rate of \$36 per person per day prior to January 1, 1993, and \$40 per person per day prior to January 1, 2002, and \$60 per day thereafter, adjusted annually for inflation beginning on January 1, 2003, based on the

national consumer price index, thereafter, subject to the conditions in subds. 1. and 2. If the amount provided under s. 20.410 (1) (bn) for any fiscal year is insufficient to provide complete reimbursement at that rate, the department shall prorate the payments under this subdivision to counties or tribal governing bodies for that fiscal year. The department shall not reimburse a county or tribal governing body unless that county or tribal governing body informs the department of the amount of reimbursement to which it is entitled under this subsection no later than September 1 of the county's fiscal year following the county's fiscal year for which reimbursement is requested.

(END)

Nelson, Robert P.

From: Southworth, Scott
Sent: Wednesday, January 10, 2001 11:59 AM
To: Nelson, Robert P.
Subject: county jail reimbursement bill

Bob,

Here's the full (revised) language for the county jail legislation, in case you want to do any cutting and pasting.....the hard copy of the requested change, along this full draft language, is on its way as I write this.....thanks.

Scott



draft language as of
10jan01.d...

County Jail Reimbursement for State Probation and Parole Holds
Draft Language – 10 January 2001
Attorney Scott Harold Southworth, Office of Representative Sheryl K. Albers

SECTION 1. 302.33 (2) (a) of the statutes is amended to read:

302.33 (2) (a) The department shall pay for the maintenance, including any necessary medical care, of persons in its custody who are placed in the county jail or other county facility, or in a tribal jail under s. 302.445, pending disposition of parole, extended supervision or probation revocation proceedings subject to the following conditions:

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302.33 (2) (a) 2. The department shall ~~not~~ pay for persons who have a pending criminal charge charges if the department places a hold on a person after a judge orders the person released on a signature or a cash bond of not more than \$500. Reimbursement shall begin with the first day the person spends in a county jail or a tribal jail under s. 302.445 on a departmental hold after the county would otherwise release the person on a bond. ~~whether or not a departmental hold has been placed on the person. Payment for maintenance by the department is limited to confinements where an offender is held solely because of conduct which violates the offender's supervision and which would not otherwise constitute a criminal offense.~~

SECTION 3. 302.33 (2) (a) 3. of the statutes is amended to read:

302.33 (2) (a) 3. Subject to the conditions in subds. 1. and 2., after ~~After~~ verification by the department, it shall reimburse the county or tribal governing body at a rate of \$36 per person per day prior to January 1, 1993, and \$40 per person per day prior to January 1, 2002, and \$60 per day thereafter, adjusted annually for inflation beginning on January 1, 2003, based on the national consumer price index. ~~thereafter, subject to the conditions in subds. 1. and 2. If the amount provided under s. 20.410 (1) (bn) for any fiscal year is insufficient to provide complete reimbursement at that rate, the department shall prorate the payments under this subdivision to counties or tribal governing bodies for that fiscal year. The department shall not reimburse a county or tribal governing body unless that county or tribal governing body informs the department of the amount of reimbursement to which it is entitled under this subsection no later than September 1 of the county's fiscal year following the county's fiscal year for which reimbursement is requested.~~

(END)



D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1

Generate
AN ACT ...; relating to: the payment of costs of persons in jails.

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 *state and 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. 302.33 (2) (a) (intro.) of the statutes is amended to read:

3

302.33 (2) (a) (intro.) The department shall pay for the maintenance, including

4

any necessary medical care, of persons in its custody who are placed in the county

5

jail or other county facility, or in a tribal jail under s. 302.445, pending disposition

6

of parole, extended supervision or probation revocation proceedings subject to the

7

following conditions:

8

History: 1983 a. 27; 1985 a. 29; 1987 a. 27; 1989 a. 31 s. 1648; Stats. 1989 s. 302.33; 1989 a. 107, 122; 1991 a. 39, 269; 1993 a. 16, 48, 490; 1995 a. 27; 1997 a. 283.

SECTION 2. 302.33 (2) (a) 2. of the statutes is amended to read:

1 302.33 (2) (a) 2. The department shall ~~not pay for persons~~ a person who have
 2 ~~has a pending criminal charges whether or not a departmental hold has been placed~~
 3 ~~on the person. Payment for maintenance by the department is limited to~~
 4 ~~confinements where an offender is held solely because of conduct which violates the~~
 5 ~~offender's supervision and which would not otherwise constitute a criminal offense~~
 6 ~~charge if the department takes physical custody of the person because the person has~~
 7 ~~violated any condition or rule of the department's supervision after a judge has~~
 8 ~~ordered the person released on a signature or cash bond of not more than \$500. The~~
 9 ~~department shall provide reimbursement under this subdivision for the period that:~~

10 a. Begins with the first day that the person spends in the county jail or other
 11 county facility or in a tribal jail under s. 302.445 as a result of the department taking
 12 physical custody of the person.

13 b. Is after the date that the county would have released the person on ^{Keep} the bond.

14 History: 1983 a. 27; 1985 a. 29; 1987 a. 27; 1989 a. 31 s. 1648; Stats. 1989 s. 302.33; 1989 a. 107, 122; 1991 a. 39, 269; 1993 a. 16, 48, 490; 1995 a. 27; 1997 a. 283.

15 SECTION 3. 302.33 (2) (a) 3. of the statutes is amended to read:

16 302.33 (2) (a) 3. After Subject to the conditions in subds. 1. and 2., after
 17 verification by the department, it shall reimburse the county or tribal governing body
 18 at a rate of \$36 per person per day prior to January 1, 1993, and \$40 per person per
 19 day thereafter, subject to the conditions in subds. 1. and 2. If the amount provided
 20 under s. 20.410 (1) (bn) for any fiscal year is insufficient to provide complete
 21 reimbursement at that rate, the department shall prorate the payments under this
 22 subdivision to counties or tribal governing bodies for that fiscal year bcfore January
 23 1, 2002, and \$60 ^{per person} per day on and after January 1, 2002. The \$60 amount shall be
 24 adjusted annually by the department to reflect changes in the consumer price index
for all urban consumers, U.S. city average, as determined by the U.S. department of

1 labor, with the adjusted amount to apply to days in the jail after the adjustment. The
2 department shall not reimburse a county or tribal governing body unless that county
3 or tribal governing body informs the department of the amount of reimbursement to
4 which it is entitled under this subsection no later than September 1 of the county's
5 fiscal year following the county's fiscal year for which reimbursement is requested.

6 History: 1983 a. 27; 1985 a. 29; 1987 a. 27; 1989 a. 31 s. 1648; Stats. 1989 s. 302.33; 1989 a. 107, 122; 1991 a. 39, 269; 1993 a. 16, 48, 490; 1995 a. 27; 1997 a. 283.

(END)

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

LRB-1829/P1dn

RPN.....

hmb

Date

Scott:

(K) I drafted this bill in preliminary form so you can review the changes I made. Hopefully, I did not make any substantive changes. The statutes do not define a "hold" so I used language to describe that term, based on the language in section 304.06 (3) of the statutes.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1829/P1dn
RPN:hmh:km

February 1, 2001

Scott:

I drafted this bill in preliminary form so you can review the changes I made. Hopefully, I did not make any substantive changes. The statutes do not define a "hold," so I used language to describe that term, based on the language in section 304.06 (3) of the statutes.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

Nelson, Robert P.

From: Southworth, Scott
Sent: Wednesday, February 07, 2001 1:52 PM
To: Nelson, Robert P.
Subject: LRB 1829/P1 - county jail reimbursements

Bob,

Thanks for getting us LRB 1829/P1 (county jail reimbursements) so quickly! I did not realize that the statutes didn't define "hold" - your language is perfect. I also liked your more in-depth delineation of the consumer price index - you leave no question as to where to get the information.

The only area I have a suggestion on is page 2, lines 10-13. Could we eliminate the "a" and "b" and just add the concepts together at the end of the sentence on lines 8-9? I'm thinking something like the following to make it a little more straightforward:

"The department shall provide reimbursement under this subdivision for the period that begins with the first day the person spends in the county facility or in a tribal jail under s. 302.445 after the date the county would have released the person on the bond."

I don't think we would need to restate the "as a result of the department taking physical custody of the person" at that point, since it automatically relates to the previous sentence. Your thoughts? Other than that, it looks great, and we should be able to proceed with it ASAP as a /1.

Thanks!

Scott

Attorney Scott Harold Southworth
Research Assistant
Office of State Representative Sheryl K. Albers

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By/Representing:

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Subject: Correctional System - jails

Extra Copies: *1060*

Pre Topic:

No specific pre topic given

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Instructions:

See Attached

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FE Sent For:

<END>



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1829/1
RPN:hmh:km
ok

OTHER

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Re-
Generate

1 AN ACT to amend 302.33 (2) (a) (intro.), 302.33 (2) (a) 2. and 302.33 (2) (a) 3. of
2 the statutes; relating to: the payment of costs of persons in jails.

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 **state and 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:

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4 302.33 (2) (a) (intro.) The department shall pay for the maintenance, including
5 any necessary medical care, of persons in its custody who are placed in the county
6 jail or other county facility, or in a tribal jail under s. 302.445, pending disposition
7 of parole, extended supervision, or probation revocation proceedings subject to the
8 following conditions:

9 SECTION 2. 302.33 (2) (a) 2. of the statutes is amended to read:

insert
and

make payments

1 302.33 (2) (a) 2. The department shall ~~not~~ pay for persons a person who have
2 has a pending criminal charges whether or not a departmental hold has been placed
3 on the person. ~~Payment for maintenance by the department is limited to~~
4 confinements where an offender is held solely because of conduct which violates the
5 offender's supervision and which would not otherwise constitute a criminal offense
6 charge if the department ~~takes physical custody of~~ ^{places a hold on} the person because the person has
7 violated any condition or rule of the department's supervision ~~after~~ ^{and} a judge has
8 ordered the person released on a signature or cash bond of not more than \$500. The
9 department shall ~~provide reimbursement under this subdivision for the period that~~
10 no 9 ~~begins~~ Begins with the first day that the person spends in the county jail or other
11 county facility or in a tribal jail under s. 302.445 as a result of the ~~department taking~~
12 physical custody of the person ^{hold}
13 no 9 ~~begins~~ after the date that the county ^{or tribe} would have released the person on the bond.

SECTION 3. 302.33 (2) (a) 3. of the statutes is amended to read:

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20 reimbursement at that rate, the department shall prorate the payments under this
21 subdivision to counties or tribal governing bodies for that fiscal year ^{department shall} before January
22 1, 2002, and \$60 per person per day on and after January 1, 2002. The \$60 amount
23 ~~shall be adjusted~~ ^{adjust the} annually ~~by the department~~ to reflect changes in the consumer
24 price index for all urban consumers, U.S. city average, as determined by the U.S.
25 department of labor, with the adjusted amount to apply to days in the jail after the

1 adjustment. The department shall not reimburse a county or tribal governing body
2 unless that county or tribal governing body informs the department of the amount
3 of reimbursement to which it is entitled under this subsection no later than
4 September 1 of the county's fiscal year following the county's fiscal year for which
5 reimbursement is requested.

6

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1829/lins
RPN:hmh:km

Insert anl:

Also
Currently
When DOC

Under current law, the department of corrections (DOC) is required to make payments at the rate of \$40 per person per day for the maintenance of persons in DOC's custody who are placed in a county or tribal facility pending disposition of parole, extended supervision, or revocation proceedings. If DOC has insufficient funds to pay the full \$40, current law requires ~~the department~~ to prorate the payments for that fiscal year. ~~Under current law,~~ the payments begin when the offender is detained in the county or tribal facility pursuant only to a hold placed on the offender by DOC and end when a final order is issued regarding the revocation process. ~~Under current law,~~ DOC may not pay for a person who has a criminal charge pending in addition to the departmental hold. The DOC payments are limited to paying for ~~those~~ persons whose confinement is solely because of ~~the~~ conduct that violates the offender's supervision and that ~~would~~ not otherwise constitute a criminal offense. *does*

DOC department
DOC department
DOC department

This bill requires DOC to pay for the maintenance, including health care, of a person in a county or tribal facility who does have a pending criminal charge if ~~the~~ *DOC department* places a hold on the offender because he or she has violated a condition of supervision and a judge has ordered the offender released on a signature or cash bond of not more than \$500. Under the bill, DOC must pay the county or tribe ~~for the period~~ from the first day that the offender spends in the facility because of the hold after the date that the county or tribe would have released the offender on the bond. The bill also increases the amount that DOC must pay to \$60 per person per day beginning on January 1, 2002, and removes the requirement that ~~the~~ *DOC department* prorate the payments if the funding is insufficient. The bill requires ~~the~~ *DOC department* to adjust the \$60 amount annually to reflect changes in the consumer price index.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1829/1

RPN:hmh:pg

2
stays

2001 BILL

- Regenerak*
- 1 AN ACT to amend 302.33 (2) (a) (intro.), 302.33 (2) (a) 2. and 302.33 (2) (a) 3. of
2 the statutes; **relating to:** the payment of costs of persons in jails.

Analysis by the Legislative Reference Bureau

Under current law, the department of corrections (DOC) is required to make payments at the rate of \$40 per person per day for the maintenance of persons in DOC's custody who are placed in a county or tribal facility pending disposition of parole, extended supervision, or revocation proceedings. If DOC has insufficient funds to pay the full \$40, current law requires DOC to prorate the payments for that fiscal year. Currently, the payments begin when the offender is detained in the county or tribal facility pursuant only to a hold placed on the offender by DOC and end when a final order is issued regarding the revocation process. Also under current law, DOC may not pay for a person who has a criminal charge pending in addition to the departmental hold. The DOC payments are limited to paying for a person whose confinement is solely because of conduct that violates the offender's supervision and that does not otherwise constitute a criminal offense.

This bill requires DOC to pay for the maintenance, including health care, of a person in a county or tribal facility who does have a pending criminal charge if DOC places a hold on the offender because he or she has violated a condition of supervision and a judge has ordered the offender released on a signature or cash bond of not more than \$500. Under the bill, DOC must pay the county or tribe from the first day that the offender spends in the facility because of the hold after the date that the county or tribe would have released the offender on the bond. The bill also increases the amount that DOC must pay to \$60 per person per day beginning on January 1, 2002,

BILL

and removes the requirement that DOC prorate the payments if the funding is insufficient. The bill requires DOC to adjust the \$60 amount annually to reflect changes in the consumer price index.

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

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16 shall make payments under this subdivision for the period that begins with the first
17 day that the person spends in the county jail or other county facility or in a tribal jail
18 under s. 302.445 as a result of the hold after the date that the county or tribe would
19 have released the person on the bond.

BILL

1 **SECTION 3.** 302.33 (2) (a) 3. of the statutes is amended to read:

2 302.33 (2) (a) 3. ~~After~~ Subject to the conditions in subds. 1. and 2., after
3 verification by the department, it shall reimburse the county or tribal governing body
4 at a rate of ~~\$36 per person per day prior to January 1, 1993, and \$40 per person per~~
5 ~~day thereafter, subject to the conditions in subds. 1. and 2. If the amount provided~~
6 ~~under s. 20.410 (1) (bn) for any fiscal year is insufficient to provide complete~~
7 ~~reimbursement at that rate, the department shall prorate the payments under this~~
8 ~~subdivision to counties or tribal governing bodies for that fiscal year~~ before January
9 1, 2002, and \$60 per person per day on and after January 1, 2002. The department
10 shall adjust the \$60 amount annually to reflect changes in the consumer price index
11 for all urban consumers, U.S. city average, as determined by the U.S. department of
12 labor, with the adjusted amount to apply to days in the jail after the adjustment. The
13 department shall not reimburse a county or tribal governing body unless that county
14 or tribal governing body informs the department of the amount of reimbursement to
15 which it is entitled under this subsection no later than September 1 of the county's
16 fiscal year following the county's fiscal year for which reimbursement is requested.

17

(END)

WHO IS AT RISK?
WHO WILL COMPLY?

Scott - Albers

~~302.33~~

Jacket this
12



MERCK

Vaccine Division

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Recombivax HB[®]
[Hepatitis B Vaccine (Recombinant)]
HELP PROTECT PATIENTS

Nelson, Robert P.

From: Southworth, Scott
Sent: Thursday, February 15, 2001 4:07 PM
To: Nelson, Robert P.
Subject: LRB 1829 - County Jail Reimbursements

Bob,

As I noted in my voice mail to you, I did get an answer from DOC on the issue of misdemeanants on Probation - they are controlled by the state. I was about to call you to ask you to remove section 302.33 (2) (b) in order to cover misdemeanants; however, our Juneau County Sheriff, Brent Oleson, noted that he understood that the current law only covers felons, and he would like to leave the law that way. Reasons?

- 1) If we include misdemeanants, it will dramatically increase the cost of the legislation, increasing the likelihood that it will not pass.
- 2) DOC could argue (rightly) that misdemeanants are county-level offenders, in that their sentences would never be to a state facility; rather, they'd be incarcerated in the county jail. The fact that they are on probation in lieu of a jail term means the county would have to provide probation supervision if the state did not (in fact, counties used to provide this service a few decades ago). In essence, the state is providing a service to the county by supervising misdemeanants, and if there's a violation of the terms of probation, the county should pay - not the state.

I concurred with Sheriff Oleson on both counts, and so we aren't going to make the bill any more expansive by eliminating (2) (b).

If you have any thoughts on this, please let me know. The cosponsorship memo went out yesterday, and we've received a very positive response from numerous legislators (bi-partisan). Likewise, we got a good reception from the sheriffs, who were meeting in Madison yesterday and today.

Thanks for all of your work on this. I enjoyed the drafting process on this bill (it's work, but we might just as well have fun!). We will likely amend the bill to reduce the cost effects [by lowering the \$60 figure and possibly by going from an annual increase based on CPI to one based on Gross Domestic Product (the CPI is always about 2% higher than actual inflation)]. I'll contact you if and when we need to go with an amendment.

Best wishes.

Scott



3/20
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1829/2
RPN:hmb:rs

King

2001 BILL

1 AN ACT to amend 302.33 (2) (a) (intro.), 302.33 (2) (a) 2. and 302.33 (2) (a) 3. of
2 the statutes; relating to: the payment of costs of persons in jails.

Gen. Cost.

Analysis by the Legislative Reference Bureau

Under current law, the department of corrections (DOC) is required to make payments at the rate of \$40 per person per day for the maintenance of persons in DOC's custody who are placed in a county or tribal facility pending disposition of parole, extended supervision, or revocation proceedings. If DOC has insufficient funds to pay the full \$40, current law requires DOC to prorate the payments for that fiscal year. Currently, the payments begin when the offender is detained in the county or tribal facility pursuant only to a hold placed on the offender by DOC and end when a final order is issued regarding the revocation process. Also under current law, DOC may not pay for a person who has a criminal charge pending in addition to the departmental hold. The DOC payments are limited to paying for a person whose confinement is solely because of conduct that violates the offender's supervision and that does not otherwise constitute a criminal offense.

has This bill requires DOC to pay for the maintenance including health care of a person in a county or tribal facility who ~~does have~~ a pending criminal charge if DOC places a hold on the offender because he or she has violated a condition of supervision and a judge has ordered the offender released on a signature or cash bond of not more than \$500. Under the bill, DOC must pay the county or tribe from the first day that the offender spends in the facility because of the hold after the date that the county or tribe would have released the offender on the bond. The bill also increases the amount that DOC must pay to \$60 per person per day, beginning on January 1, 2002,

for maintenance costs

BILL

and removes the requirement that DOC prorate the payments if the funding is insufficient. The bill requires DOC to adjust the \$60 amount annually to reflect changes in the consumer price index.

For further information see the *state and 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:

1 **SECTION 1.** 302.33 (2) (a) (intro.) of the statutes is amended to read:

2 302.33 (2) (a) (intro.) The department shall pay for the maintenance, ~~including~~
3 ^{and} any necessary medical care of persons in its custody who are placed in the county
4 jail or other county facility, or in a tribal jail under s. 302.445, pending disposition
5 of parole, extended supervision, or probation revocation proceedings subject to the
6 following conditions:

7 **SECTION 2.** 302.33 (2) (a) 2. of the statutes is amended to read:

8 302.33 (2) (a) 2. The department shall ~~not~~ pay for ~~persons~~ a person who have
9 has a pending criminal charges whether or not a departmental hold has been placed
10 ~~on the person. Payment for maintenance by the department is limited to~~
11 ~~confinements where an offender is held solely because of conduct which violates the~~
12 ~~offender's supervision and which would not otherwise constitute a criminal offense~~
13 charge if the department places a hold on the person because the person has violated
14 any condition or rule of the department's supervision and a judge has ordered the
15 person released on a signature or cash bond of not more than \$500. The department
16 shall make payments under this subdivision for the period that begins with the first
17 day that the person spends in the county jail or other county facility or in a tribal jail
18 under s. 302.445 as a result of the hold after the date that the county or tribe would
19 have released the person on the bond.

BILL

reimburse the county or tribal governing body

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SECTION 3. 302.33 (2) (a) 3. of the statutes is amended to read:

302.33 (2) (a) 3. ~~After~~ Subject to the conditions in subds. 1. and 2., after
verification by the department, ~~it~~ ^{the department} shall reimburse the county or tribal governing body
~~for any necessary medical care costs. In addition, the department shall~~
at a rate of \$36 per person per day prior to January 1, 1993, and \$40 per person per
day thereafter, subject to the conditions in subds. 1. and 2. If the amount provided
under s. 20.410 (1) (bn) for any fiscal year is insufficient to provide complete
reimbursement at that rate, the department shall prorate the payments under this
subdivision to counties or tribal governing bodies for that fiscal year ^{for maintenance costs} before January
1, 2002, and \$60 per person per day ^{for maintenance costs} on and after January 1, 2002. The department
shall adjust the \$60 amount annually to reflect changes in the consumer price index
for all urban consumers, U.S. city average, as determined by the ~~the~~ ^{federal} department of
labor, with the adjusted amount to apply to days in the jail after the adjustment. The
department shall not reimburse a county or tribal governing body unless that county
or tribal governing body informs the department of the amount of reimbursement to
which it is entitled under this subsection no later than September 1 of the county's
fiscal year following the county's fiscal year for which reimbursement is requested.

(END)

Barman, Mike

From: Barman, Mike
Sent: Tuesday, February 20, 2001 9:50 AM
To: Southworth, Scott
Subject: LRB 01-1829/3



01-1829/3

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

*Please send
a PDF copy
by e-mail to
Scott Southworth
Albers' office
at 12/20/01*