

2001 DRAFTING REQUEST

Bill

Received: 01/05/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Jeff Fitzgerald (608) 266-2540

By/Representing: Jason

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:

Prisoner reimbursement to municipalities

Instructions:

See Attached 99-0934

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>
/?	nelsorp1 01/08/2001	jdye 01/13/2001		_____			Local
/1			rschluet 01/25/2001	_____	lrb_docadmin 01/25/2001	lrb_docadmin 01/26/2001	

FE Sent For:

<END>

At
Intro.

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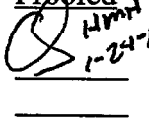
Prisoner reimbursement to municipalities

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See Attached 99-0934

AB 171

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1?	nelsorp1	11/13 jld	 1-24-01	 1-24-01			

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<END>

ASSEMBLY BILL 171

An Act to create 302.373 of the statutes; relating to: prisoner reimbursement to a municipality.
(FE)

1999

03-08-99. A. Introduced by Representatives Foti, Hundertmark, Jensen, Steinbrink, Hahn, Huebsch, Kedzie, Klusman, Ladwig, La Fave, F. Lasee, J. Lehman, M. Lehman, Montgomery, Musser, Olsen, Ott, Owens, Porter, Powers, Seratti, Sykora, Vrakas, Ward, Ziegelbauer and Kreuser; cosponsored by Senators Fitzgerald, Roessler, Cowles, Lazich, Schultz, Huelsman, Welch and Drzewiecki.

03-08-99. A. Read first time and referred to committee on State Affairs **101**

03-24-99. A. **Fiscal estimate received.**

03-30-99. A. Public hearing held.

04-13-99. A. Executive action taken.

04-22-99. A. Report passage recommended by committee on State Affairs, Ayes 6, Noes 2
152

04-22-99. A. Referred to committee on Rules **152**

05-13-99. A. Placed on calendar 5-19-1999 by committee on Rules.

05-19-99. A. Read a second time **196**

05-19-99. A. Ordered to a third reading **196**

05-19-99. A. Rules suspended **196**

05-19-99. A. Read a third time and **passed** **196**

05-19-99. A. Ordered immediately messaged **196**

05-20-99. S. Received from Assembly **156**

05-20-99. S. Read first time and referred to committee on Economic Development,
Housing and Government Operations **156**

09-21-99. S. Public hearing held.

2000

04-06-00. S. Failed to concur in pursuant to Senate Joint Resolution 1 **583**

2001-02

1999-2000 LEGISLATURE

1831/1
LRB-0934/1
RPN:lp
jld

2001

1999 ASSEMBLY BILL 171

March 8, 1999 - Introduced by Representatives FOTI, HUNDERTMARK, JENSEN, STEINBRINK, HAHN, HUEBSCH, KEDZIE, KLUSMAN, LADWIG, LA FAVE, F. LASEE, J. LEHMAN, M. LEHMAN, MONTGOMERY, MUSSER, OLSEN, OTT, OWENS, PORTER, POWERS, SERATTI, SYKORA, VRAKAS, WARD, ZIEGELBAUER and KREUSER, cosponsored by Senators FITZGERALD, ROESSLER, COWLES, LAZICH, SCHULTZ, HUELSMAN, WELCH and DRZEWIECKI. Referred to Committee on State Affairs.

Regen

1 AN ACT to create 302.373 of the statutes; relating to: prisoner reimbursement
2 to a municipality.

Analysis by the Legislative Reference Bureau

Under current law, the department of corrections (DOC) may charge a prisoner for the some or all of the costs to DOC for the prisoner's incarceration in a state facility. The law allows the attorney general to bring a civil action to recover any costs DOC has not recovered. Current law also allows the county to seek reimbursement from a prisoner for any expenses incurred by the county for incarcerating a prisoner in a county jail who was sentenced for a crime. The county may commence an action in circuit court to obtain a judgment for the expenses, and must do so within 12 months after the release of the prisoner or be barred from bringing the action.

* Under current law, a city, village, or town is required to pay expenses incurred by a county to imprison persons that a court orders imprisoned for failing to pay a forfeiture and assessments and costs related to a municipal ordinance violation.

* Under this bill, the city, village, or town may seek reimbursement from the prisoner for the amount paid to a county for the expenses incurred by the county to incarcerate the prisoner. The city, village, or town may commence an action in circuit court to obtain a judgment for the expenses, and must do so within 12 months after the

release of the prisoner or be barred from bringing the action.

ASSEMBLY BILL 171

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:

1 SECTION 1. 302.373[✓] of the statutes is created to read:

2 **302.373 Prisoner reimbursement to municipality.**[✓] (1) In this section:

3 (a) "Jail" means a county jail, a rehabilitation facility established by s. 59.53[✓]

4 (8), or a county house of correction under s. 303.16.[✓]

5 (b) "Prisoner" means a person who is incarcerated in a jail by court order under
6 s. 800.095 (4) (b) 1.[✓]

7 (2) (a) Except as provided in par. (b),[✓] a city, village, or town may seek
8 reimbursement from the prisoner for the amount paid to a county under s. 800.095
9 (6)[✓] for the expenses incurred by the county to incarcerate the prisoner.

10 (b) This section applies to expenses incurred after the effective date of this
11 paragraph[✓] [revisor inserts date].

12 (3) Within 12 months after the release of a prisoner from jail, the city, village,
13 or town shall commence a civil action in circuit court to obtain a judgment for the
14 amount paid to the county under sub. (2)[✓] or be barred.

15 (4) Before entering a judgment in an action under sub. (3)[✓] for a city, village, or
16 town, the court shall consider any legal obligations of the defendant for support or
17 maintenance under ch. 767[✓] and any moral obligation of the defendant to support
18 dependants and may reduce the amount of the judgment entered for the city, village,[✓]
19 or town based on those obligations.

20

(END)



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 256-3561
LEGAL FAX: (608) 264-6948

January 25, 2001

MEMORANDUM

To: Representative J. Fitzgerald

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-1831 Prisoner reimbursement to municipalities

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-7511 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.