

2001 ASSEMBLY BILL 390

May 14, 2001 – Introduced by Representatives FREESE, ALBERS, BALOW, BERCEAU, COGGS, JOHNSRUD, McCORMICK, PETTIS, RYBA, SHERMAN, SHILLING, SYKORA and TURNER, cosponsored by Senators MOEN, ROESSLER and SCHULTZ. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to renumber and amend* 302.27; and *to create* 302.27 (2) of the
2 statutes; **relating to:** the detention of state prisoners in county jails.

Analysis by the Legislative Reference Bureau

Under current law, the department of corrections (DOC) may contract with local governments for temporary housing or detention in county jails or county houses of correction for persons sentenced to imprisonment in state prisons or to the intensive sanctions program.

Under current law, participants under the Wisconsin retirement system (WRS) whose principal duties involve law enforcement or fire suppression or prevention and require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning are classified as protective occupation participants. Current law specifically classifies police officers, fire fighters, and various other individuals as protective occupation participants. Under the WRS, the normal retirement age of a protective occupation participant is lower than that of other participants and the percentage multiplier used to calculate retirement annuities is higher for protective occupation participants than for other participants. Under current law, however, not all county jailers are classified as protective occupation participants; only those county jailers whose principal duties involve law enforcement and require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning are so classified.

This bill provides that DOC may not place in a county jail any state prisoner unless the county jailers employed at the jail are protective occupation participants under the WRS.

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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.** 302.27 of the statutes is renumbered 302.27 (1) and amended to
2 read:

3 302.27 (1) The Except as provided in sub. (2) (b), the department may contract
4 with local governments for temporary housing or detention in county jails or county
5 houses of correction for persons sentenced to imprisonment in state prisons or to the
6 intensive sanctions program. The rate under any such contract may not exceed \$60
7 per person per day. Nothing in this section subsection limits the authority of the
8 department to place persons in jails under s. 301.048 (3) (a) 1.

9 **SECTION 2.** 302.27 (2) of the statutes is created to read:

10 302.27 (2) (a) In this subsection, “jailer” means any employee of a county jail,
11 except one whose principal duties are those of a telephone operator, clerk,
12 stenographer, machinist, or mechanic or whose functions do not clearly fall within
13 the scope of active law enforcement even though such an employee is subject to
14 occasional call, or is occasionally called upon, to perform duties within the scope of
15 active law enforcement. “Jailer” includes any person regularly employed and
16 qualifying as a jailer, even if temporarily assigned to other duties.

17 (b) The department may not contract with local governments for temporary
18 housing or detention in county jails of persons under sub. (1) unless the jailers
19 employed at the county jail are protective occupation participants, as defined in s.
20 40.02 (48).

21 **SECTION 3. Initial applicability.**

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1 (1) This act first applies to contracts entered into or modified on the effective
2 date of this subsection.

3 **(END)**