

2001 DRAFTING REQUEST

Bill

Received: 03/05/2001

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing: **Rob Richard**

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

Drafter: **champra**

May Contact:

Addl. Drafters: **nelsorp1**

Subject: **Employ Pub - retirement
Correctional System - misc
Correctional System - prisons**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Placement of state prisoners in county jails

Instructions:

Prohibit the placement of state prisoners in county jails in which the jailers are not protective occupation participants

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>
/?	champra 03/12/2001			_____			State
/1	nelsorp1 03/26/2001	jdye 03/27/2001	pgreensl 03/29/2001	_____	lrb_docadmin 03/29/2001	lrb_docadminState 04/02/2001	

FE Sent For:

<END>

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MGO

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1?	champra	1 3/27 jld	3/29 Pg	3/29 gr/ps			

FE Sent For:

<END>

Memorandum

To: Richard Champagne, Senior Attorney
From: Representative Steve Freese
Date: March 5, 2001
Re: Bill drafts concerning county jailers

I have two requests for bill drafts relating to county jailers and protective status under the Wisconsin retirement system.

- 1) Please prepare a bill draft identical to 1999 Assembly Bill 48.
- 2) Please prepare a bill draft with the idea of 1999 Assembly Bill 48, but the draft should contain a contractual standard. If the Wisconsin Department of Corrections decides to house a state prisoner in a county jail, it must be in a county that has protective status for its county jailers.

If you have any questions or concerns relating to these requests, please contact my legislative aide, Rob, at 6-7502 or rob.richard@legis.state.wi.us.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2732/1
RPN&RAC: A:...

p-note

JLC

2001 BILL

1 *gen* AN ACT ...; relating to: the detention of state prisoners in county jails. ✓

Analysis by the Legislative Reference Bureau

Under current law, the department of ~~corrections~~ ^{corrections} 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. (DOC)

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. 302.27^x of the statutes is renumbered 302.27 (1)[✓] and amended to
3 read:

4 302.27 (1)[✓] ~~Contracts for temporary housing for or detention of~~
5 ~~prisoners.~~ The Except as provided in sub. (2) ^(b) the department may contract with
6 local governments for temporary housing or detention in county jails or county
7 houses of correction for persons sentenced to imprisonment in state prisons or to the

*✓ Insert
Ancl*

BILL

SECTION 1

1 intensive sanctions program. The rate under any such contract may not exceed \$60
2 per person per day. Nothing in this ~~section~~ subsection limits the authority of the
3 department to place persons in jails under s. 301.048 (3) (a) 1.

4 History: 1983 a. 27; 1989 a. 31 s. 1644; Stats. 1989 s. ~~302.27~~; 1991 a. 39; 1993 a. 89, 437.

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

MOVE

5 (a) 302.27 (2) (The department may not contract with local governments for
6 temporary housing or detention in county jails of persons under sub. (1) unless the
7 jailers employed at the county jail are protective occupation participants, as defined
8 in s. 40.02 (48). In this subsection, "jailer" means any

(b)

insert 2-d

SECTION 3. Initial applicability.

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

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2732/1insrc

RPN RAC:.....

Insert
Anal

~~Insert Analysis~~

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 ~~the department of corrections~~ ^{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. ✓

Insert ?:

(end insert anal)

unless the jailers employed at the county jail are protective occupation participants, as defined in s. 40.02 (48).

ASSEMBLY BILL 921

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- ~~11. A sheriff,~~
- ~~12. An undersheriff,~~
- ~~13. A deputy sheriff,~~
- ~~14. A state probation and parole officer,~~
- ~~15. A county traffic police officer,~~
- ~~16. A state forest ranger,~~
- ~~17. A fire watcher employed by the Wisconsin veterans home,~~
- ~~18. A state correctional-psychiatric officer,~~
- ~~19. An excise tax investigator employed by the department of revenue,~~
- ~~20. A special criminal investigation agent in the department of justice,~~
- ~~21. An assistant or deputy fire marshal, or person employed under s. 61.66 (1).~~

Insert
2-8

SECTION 4. 40.02 (48) (am) 22. of the statutes is created to read:

40.02 (48) (am) 22. A county jailer granted protective occupation participant status under a collective bargaining agreement entered into under subch. IV of ch. 111.

SECTION 5. 40.02 (48) (b) 5. of the statutes is created to read:

40.02 (48) (b) 5. A "county jailer" is any jailer or employe^e of a county jail, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, or mechanic or whose functions do not clearly fall within the scope of active law enforcement even though such an employe^e is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement. ~~County~~ "county jailer" includes any person regularly employed and qualifying as a ~~county~~ jailer, even if temporarily assigned to other duties. (end ins 2-8)

~~SECTION 6. 40.02 (48) (c) of the statutes is renumbered 40.02 (48) (c) (intro.) and amended to read:~~

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

LRB-2732/Adn
RPN&RAC:.....

JLD

I used the definition of "jailer" from 1999 Assembly Bill 921. ✓ OK?

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-2732/1dn
RPN:jld:pg

March 29, 2001

I used the definition of "jailer" from 1999 Assembly Bill 921. OK?

Robert P. Nelson
Senior Legislative Attorney
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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

March 29, 2001

MEMORANDUM

To: Representative Freese

From: Rick A. Champagne, Senior Attorney

Re: LRB-2732 Placement of state prisoners in county jails

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) 266-9930 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.