

2001 DRAFTING REQUEST

Bill

Received: **01/09/2002**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-0777**

By/Representing: **Steinmetz**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Correctional System - ext superv
Correctional System - parole
Correctional System - probation**

Extra Copies: **rpn**

Submit via email: **NO**

Pre Topic:

DOA:.....Steinmetz -

Topic:

Fees from persons on probation, parole, or extended supervision

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>
/?	mdsida 01/10/2002	gilfokm 01/10/2002		_____			State
/1		gilfokm 01/29/2002	kfollet 01/11/2002	_____	lrb_docadmin 01/11/2002		State
/2			pgreensl 01/29/2002	_____	lrb_docadmin 01/29/2002		

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/1		11-1/29 kmg	kfollet 01/11/2002	1/29 p8	1/29 rpb 01/11/2002		

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<END>

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/?	mdsida	1-1/10-02 dmg	KJ 	SELF 			

FE Sent For:

<END>

**Governor's Initiative
Department of Corrections
Budget Adjustment Bill
Statutory Language Request**

Topic: Probation, parole and extended supervision fees

Current Language

Current language at s. 304.074 requires the Department of Corrections to set varying rates for probationers, parolees or persons on extended supervision based on ability to pay and with the goal of receiving at least \$1.00 per day, where appropriate, from each probationer, parolee, and person on extended supervision. The Department of Corrections' administrative rules at DOC 328.045 set a minimum of \$1.00 per day and set a range of \$10.00 to \$45.00 per month.

Proposed Change

Create nonstatutory language to require the Department of Corrections to draft emergency administrative rules to increase the minimum amount collected to \$2.00 per day.

Effect of the Change

This change will allow the Department of Corrections to increase the fees charged to probationers, parolees and persons on extended supervision.

Desired Effective Date:	Upon passage of the bill
Agency:	410 - Department of Corrections
Agency Contact:	Jana D. Steinmetz
Phone:	266-2213



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4638/1

MGD:.....
King

DOA:.....Steinmetz – Fees from persons on probation, parole, or extended supervision

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1
2

DON'T GEN
AN ACT...; relating to: fees from persons on probation, parole, or extended supervision.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Under current law, DOC is required to charge a fee to each person on probation, parole, or extended supervision to partially reimburse ~~it~~ for the costs of providing supervision and services. If a person on probation, parole, or extended supervision is subject to administrative or minimum supervision (the least intensive forms of supervision) by DOC, the department must have a goal of receiving at least \$1 per day, if appropriate, from the person. This bill requires DOC to promulgate emergency rules that would require ~~it~~ to have a goal of receiving at least \$2 per day in such cases, if appropriate. *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:



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4638/1
MGD:kmg:kjf (2)

Today

DOA:.....Steinmetz - Fees from persons on probation, parole, or extended supervision

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

remove from hold

1 AN ACT ^{DEN'T GEN.} relating to: fees from persons on probation, parole, or extended
2 supervision. *and making an appropriation*

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Under current law, DOC is required to charge a fee to each person on probation, parole, or extended supervision to partially reimburse DOC for the costs of providing supervision and services. If a person on probation, parole, or extended supervision is subject to ~~administrative or minimum~~ ^{most} supervision (the ~~least~~ intensive forms of supervision) by DOC, DOC must have a goal of receiving at least \$1 per day, if appropriate, from the person. This bill requires DOC to promulgate emergency rules that would require DOC to have a goal of receiving at least \$2 per day in such cases, if appropriate.

medium, maximum, or high risk

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 9111. Nonstatutory provisions; corrections.**

2 (1) EMERGENCY RULES REGARDING FEES FROM PERSONS ON PROBATION, PAROLE, OR
3 EXTENDED SUPERVISION. Using the procedure under section 227.24 of the statutes, the
4 department of corrections shall promulgate the rules that are required under section
5 304.074 (5) of the statutes and that set rates under section 304.074 (2) of the statutes.
6 The rules shall take effect on July 1, 2002, but may not remain effective for longer
7 than the period authorized under section 227.24 (1) (c) and (2) of the statutes.
8 Notwithstanding section 304.074 (2) of the statutes, the rules shall require the
9 department to have a goal of receiving at least \$2 per day, if appropriate, from each
10 person who is on probation, parole, or extended supervision and who ^{is under} ~~is~~ *Not*
11 administrative supervision, as defined in section 304.74 (1) (a) of the statutes, or
12 minimum supervision, as defined in section 304.74 (1) (b) of the statutes.
13 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
14 is not required to provide evidence that promulgating a rule under this subsection
15 as an emergency rule is necessary for the preservation of the public peace, health,
16 safety, or welfare and is not required to provide a finding of emergency for a rule
17 promulgated under this subsection.

18

(END)

INS MD

2001

MD

DDD

LRB

4638/2
4/19/01
INS MD
mgd

Nonstat File Sequence:

\$\$\$ CHANGE

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → \$change

For the budget action phrase, execute: create → action: → *NS: → 92XX

For the text, execute: create → text: → *NS: → \$change

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9200 department code.

SECTION # 92 11. Appropriation changes;

corrections.

(#) ~~(#)~~ *Probation, parole, and extended supervision fees.*

In the schedule under section 20.005 (3) of the statutes for the appropriation to the *department of corrections*

under section 20.410 (1)(g) of the statutes, as affected by the acts of 2001, the dollar amount is *increased* by \$ for fiscal year 2001-02 and the dollar amount is *increased* by \$ 5,884,800 for fiscal year 2002-03 to *increase* funding for the ~~purpose~~ *purpose* for which the appropriation is made to *increase* funding for

* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4638/2
MGD:kmg:pg

DOA:.....Steinmetz – Fees from persons on probation, parole, or extended supervision

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: fees from persons on probation, parole, or extended
2 supervision and making an appropriation.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Under current law, DOC is required to charge a fee to each person on probation, parole, or extended supervision to partially reimburse DOC for the costs of providing supervision and services. If a person on probation, parole, or extended supervision is subject to medium, maximum, or high risk supervision (the most intensive forms of supervision) by DOC, DOC must have a goal of receiving at least \$1 per day, if appropriate, from the person. This bill requires DOC to promulgate emergency rules that would require DOC to have a goal of receiving at least \$2 per day in such cases, if appropriate.

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:

SECTION 9111. Nonstatutory provisions; corrections.

(1) EMERGENCY RULES REGARDING FEES FROM PERSONS ON PROBATION, PAROLE, OR EXTENDED SUPERVISION. Using the procedure under section 227.24 of the statutes, the department of corrections shall promulgate the rules that are required under section 304.074 (5) of the statutes and that set rates under section 304.074 (2) of the statutes. The rules shall take effect on July 1, 2002, but may not remain effective for longer than the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 304.074 (2) of the statutes, the rules shall require the department to have a goal of receiving at least \$2 per day, if appropriate, from each person who is on probation, parole, or extended supervision and who is not under administrative supervision, as defined in section 304.74 (1) (a) of the statutes, or minimum supervision, as defined in section 304.74 (1) (b) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

SECTION 9211. Appropriation changes; corrections.

(1) PROBATION, PAROLE, AND EXTENDED SUPERVISION FEES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (gf) of the statutes, as affected by the acts of 2001, the dollar amount is increased by \$5,884,800 for fiscal year 2002–03 to increase funding for the purpose for which the appropriation is made.

(END)