

2001 SENATE BILL 83

March 13, 2001 – Introduced by Senators HANSEN, BURKE, HUELSMAN, ROESSLER, HARSDORF, SCHULTZ, DECKER, ERPENBACH, A. LASEE, FARROW and S. FITZGERALD, cosponsored by Representatives ALBERS, KRAWCZYK, LA FAVE, LADWIG, BIES, MUSSER, J. LEHMAN, WADE, TURNER, KREUSER, MILLER, JOHNSRUD, J. FITZGERALD, PETTIS, POCAN, D. MEYER, PLOUFF, TOWNSEND, FRISKE, GUNDERSON, HUNDERTMARK, FREESE, NASS, SCHOOFF and BERCEAU. Referred to Committee on Economic Development and Corrections.

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 and health care of a person, in a county or tribal facility, who has 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 for maintenance costs beginning on January 1,

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2002, 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 and any
3 necessary medical care of persons in its custody who are placed in the county jail or
4 other county facility, or in a tribal jail under s. 302.445, pending disposition of parole,
5 extended supervision, or probation revocation proceedings subject to the following
6 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.

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

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(END)