

2001 DRAFTING REQUEST

Bill

Received: 02/14/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB: 01-1829/2

For: David Hansen (608) 266-5670

By/Representing: Rich

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Correctional System - prisons

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Pyament of costs of jail inmates on DOC hold

Instructions:

See Attached 01-1829

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 02/15/2001	jdyer 02/15/2001		_____			S&L
/1	nelsorp1 02/20/2001	jdyer 02/20/2001	martykr 02/19/2001	_____	lrb_docadmin 02/19/2001		S&L
/2			jfrantze 02/20/2001	_____	lrb_docadmin 02/20/2001	lrb_docadmin 02/21/2001	

FE Sent For:

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1/?	nelsorp1	1/2/15 jld	1/2/19	pg 2 1/2/19			

FE Sent For:

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1
Stays

2001 BILL

Regen

- 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, including health care, of a person in a county or tribal facility who does have 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 beginning on January 1, 2002,

BILL

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

2001 ASSEMBLY BILL

Regen

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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,

ASSEMBLY BILL

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.

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15 person released on a signature or cash bond of not more than \$500. The department
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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.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

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

February 20, 2001

MEMORANDUM

To: Senator Hansen

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-2519 Pyament of costs of jail inmates on DOC hold

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.