

2003 SENATE BILL 98

April 9, 2003 – Introduced by Senators S. FITZGERALD, WELCH, SCHULTZ, STEPP, ROESSLER, A. LASEE, JAUCH, COWLES and HANSEN, cosponsored by Representatives GARD, SERATTI, M. WILLIAMS, VAN ROY, BIES, D. MEYER, FRISKE, AINSWORTH, KRAWCZYK, F. LASEE, OTT, M. LEHMAN, J. LEHMAN, HINES, LOEFFELHOLZ, HAHN, NASS, STONE, VRAKAS, LEMAHIEU, LADWIG and JENSEN. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT** *to renumber and amend* 302.31; and *to create* 302.31 (8) and 302.31
 2 (9) of the statutes; **relating to:** housing of county prisoners from Michigan in
 3 Wisconsin county jails.

Analysis by the Legislative Reference Bureau

Under current law, county jails have the authority to use the county jail to detain certain persons, including those charged with a crime, committed pursuant to a sentence to the county jail or a state penal institution; persons participating in the intensive sanctions program; and persons who are in the custody of the Department of Corrections. This bill allows county jails to detain persons who are detained by a county that borders this state and is located in the state of Michigan if the counties involved enter into an interstate cooperation agreement that takes into account all the requirements of Wisconsin law regarding the detention of persons in county jails.

For further information see the ***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:

4 **SECTION 1.** 302.31 of the statutes is renumbered 302.31 (intro.) and amended
 5 to read:

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1 **302.31 Use of jails.** (intro.) The county jail may be used for the any of the
2 following purposes:

3 (1) The detention of persons charged with crime and committed for trial; ~~for~~
4 ~~the.~~

5 (2) The detention of persons committed to secure their attendance as
6 witnesses; ~~to.~~

7 (3) To imprison persons committed pursuant to a sentence or held in custody
8 by the sheriff for any cause authorized by law; ~~for the.~~

9 (4) The detention of persons sentenced to imprisonment in state penal
10 institutions or a county house of correction, until they are removed to those
11 institutions; ~~for the.~~

12 (5) The detention of persons participating in the intensive sanctions program;
13 ~~for the.~~

14 (6) The temporary detention of persons in the custody of the department; ~~and~~
15 ~~for other detentions authorized by law. The county jail may be used for the.~~

16 (7) The temporary placement of persons in the custody of the department, other
17 than persons under 17 years of age, and persons who have attained the age of 17
18 years but have not attained the age of 25 years who are under the supervision of the
19 department under s. 48.366 or 938.355 (4) and who have been taken into custody
20 pending revocation of aftercare supervision under s. 48.366 (5) or 938.357 (5) (e).

21 **SECTION 2.** 302.31 (8) of the statutes is created to read:

22 302.31 **(8)** Under an agreement under s. 66.0303, the detention of persons
23 detained or imprisoned before, during, or after trial by a county that borders on this
24 state and is located in the state of Michigan. The agreement under s. 66.0303 for the

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1 detention of persons from another state shall take into account the provisions of this
2 chapter regarding the detention of persons in county jails.

3 **SECTION 3.** 302.31 (9) of the statutes is created to read:

4 302.31 **(9)** Other detentions authorized by law.

5 (END)