

2003 DRAFTING REQUEST

Bill

Received: **10/03/2002**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2213**

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: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz - BB0091,

Topic:

Administrative and minimum supervision fees

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>
/P1	mdsida 10/03/2002	kfollett 10/04/2002	jfrantze 10/08/2002	_____	mbarman 10/08/2002		State
		kfollett 10/08/2002		_____			
		kfollett 10/09/2002		_____			

2003 DRAFTING REQUEST

Bill

Received: **10/03/2002**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2213**

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: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz - BB0091,

Topic:

Administrative and minimum supervision fees

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>
/P1	mdsida 10/03/2002	kfollett 10/04/2002	jfrantze 10/08/2002	_____	mbarman 10/08/2002		State
		kfollett 10/08/2002		_____			

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 10/03/2002

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-2213

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: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Steinmetz - BB0091,

Topic:

Administrative and minimum supervision fees

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>
FE Sent For:		1P1 klf 10/4	10/8	Self 10/8			
		1P2 klf 10/9	10/9	<END> Self 10/9			

Attachment 7

FY03-05 Statutory Language Cover Sheet

Topic: Administrative and Minimum Supervision Fees

Team: HPS

Contact: Steinmetz

Agency: DOC

Agency #: 410

BB0091

**DEPARTMENT OF CORRECTIONS
2003-2005 Biennial Budget
Statutory Language Request**

Topic: Administrative and Minimum Supervision Fees

Current Language

There are currently a number of statutory references related to the collection of supervision fees. These provisions are summarized below.

§301.08 allows the Departments to contract with a public, private, or voluntary vendor to supervise probationers, parolees, or persons on extended supervision who are under minimum or administrative supervision.

§304.073 requires the Department, to collect supervision fees from offenders placed on administrative and minimum supervision. The Department is also allowed under this statute to set a fee sufficient to cover the cost of supervisions of these offenders and also the ability to make exceptions to the collection of supervision fees from offenders based on certain criteria.

§304.074 requires the Department, to collect supervision fees from offenders placed on probation, parolees, and persons on extended supervision to reimburse the Department for the costs of providing supervision and services. It excludes offenders placed on administrative and minimum supervision, as these offenders are covered under §304.073. The statute allows the Department to make exceptions of the collection of supervision fees from offenders based on certain criteria.

Proposed Change

Delete §304.073, which establishes separate supervision fee requirements for offenders on administrative and minimum supervision. Delete §304.074(4) that excludes administrative and minimum supervision level offenders from the provisions of §304.074.

Effect of the Change

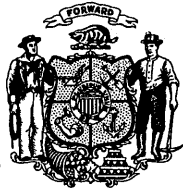
The proposed change will allow the Department to charge a fee to offenders on administrative and minimum supervision based on their gross income, consistent with fees charged to offenders in other classifications. The requested changes will eliminate the distinction between administrative/minimum and other supervision levels for the purpose of collecting supervision fees. This change has already been enacted in DOC's emergency rule.

Rationale for the Change

As a result of 2001 Wisconsin Act 109, which required the Department to double the amount of supervision fees collected, an emergency rule, DOC 328.045, was established in August 2002. This rule requires DOC offenders at all supervision levels to pay a supervision fee. The fee was established with the goal of receiving at least \$2 per day from offenders.

The proposed statutory language change will eliminate the distinction for the purpose of collecting supervision fees between offenders supervised by the Department on administrative and minimum supervision and offenders being supervised on high risk, maximum, and medium supervision. All offenders under supervision by the Department will pay, based on their ability, according to one supervision fee schedule.

Desired Effective Date:	Upon Passage of Bill
Agency:	DOC
Agency Contact:	William Grosshans
Phone:	(608) 240-5304



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0336/P1

MGD: [Signature]

cmh

DOA:.....Steinmetz – BB0091, Administrative and minimum supervision fees

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

Do Not Gen

1 AN ACT ...; relating to: the budget

Analysis by the Legislative Reference Bureau

Current law provides that, with certain exceptions, DOC must charge a fee to each person on probation, parole, or extended supervision to cover some or all of the cost of supervising the person. Current law authorizes ~~the department~~ to set fees for persons subject to administrative or minimum supervision separately from its setting of fees for persons subject to more intensive supervision. This bill eliminates DOC's authority to base the fee on the level of supervision. 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. 20.410 (1) (ge) of the statutes is amended to read:
3 20.410 (1) (ge) *Administrative and minimum supervision*. The amounts in the
4 schedule for the supervision of probationers, parolees, and persons on extended
5 supervision under minimum or administrative supervision and for the department's

1 costs associated with contracts under s. 301.08 (1) (c) 2. All moneys received from
 2 vendors under s. 301.08 (1) (c) 4. ~~and from fees charged under s. 304.073 (2)~~ shall be
 3 credited to this appropriation account.

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16.

4 **SECTION 2.** 71.93 (1) (a) 5. of the statutes is amended to read:

5 71.93 (1) (a) 5. An amount owed to the department of corrections under s.
 6 ~~304.073 (2)~~ or 304.074 (2).

History: 1987 a. 312; 1989 a. 31; 1993 a. 437; 1995 a. 27 ss. 3427 to 3429, 9126 (19), 9130 (4); 1995 a. 404; 1997 a. 3, 27; 2001 a. 16.

7 **SECTION 3.** 304.073 of the statutes is repealed.

8 ✓ **SECTION 4.** 304.074 (1) of the statutes is repealed.

9 ✓ **SECTION 5.** 304.074 (4) of the statutes is repealed.

10 ✓ **SECTION 6.** 973.09 (3) (bm) 1. of the statutes is amended to read:

11 973.09 (3) (bm) 1. At least 90 days before the expiration date of a probationer's
 12 period of probation, the department may notify the sentencing court and the district
 13 attorney that a probationer owes unpaid fees to the department under s. ~~304.073~~ or
 14 304.074.

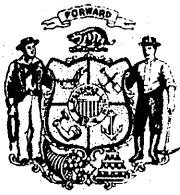
History: 1971 c. 298; 1979 c. 119, 189, 238, 355, 356; 1981 c. 50, 88, 326, 352, 391; 1983 a. 27, 104, 254, 346, 519, 538; 1985 a. 150; 1987 a. 347, 398, 403, 412; 1989 a. 31, 121, 188; 1991 a. 39; 1993 a. 48, 486; 1995 a. 24, 224, 281; 1997 a. 27, 41, 289; 1999 a. 9, 58, 69, 186; 2001 a. 16, 104, 109.

15 ✓ **SECTION 7.** 973.09 (3) (bm) 3. of the statutes is amended to read:

16 973.09 (3) (bm) 3. At a probation review hearing under subd. 2., the department
 17 has the burden of proving that the probationer owes unpaid fees under s. ~~304.073~~ or
 18 304.074 and the amount of the unpaid fees. If the department proves by a
 19 preponderance of the evidence that the probationer owes unpaid fees under s.
 20 ~~304.073~~ or 304.074, the court may, by order, extend the period of probation for a
 21 stated period or modify the terms and conditions of probation.

History: 1971 c. 298; 1979 c. 119, 189, 238, 355, 356; 1981 c. 50, 88, 326, 352, 391; 1983 a. 27, 104, 254, 346, 519, 538; 1985 a. 150; 1987 a. 347, 398, 403, 412; 1989 a. 31, 121, 188; 1991 a. 39; 1993 a. 48, 486; 1995 a. 24, 224, 281; 1997 a. 27, 41, 289; 1999 a. 9, 58, 69, 186; 2001 a. 16, 104, 109.

22 **SECTION 8.** 973.09 (3) (c) 1. of the statutes is amended to read:



DOA:.....Steinmetz – BB0091, Administrative and minimum supervision fees

FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT GEN

③ CAPS
CORRECTIONAL SYSTEM
Adult correctional system
⑤ CS

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

Current law provides that, with certain exceptions, DOC must charge a fee to each person on probation, parole, or extended supervision to cover some or all of the cost of supervising the person. Current law authorizes to set fees for DOC persons subject to administrative or minimum supervision separately from its setting of fees for persons subject to more intensive supervision. This bill eliminates DOC's authority to base the fee on the level of supervision.

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. 20.410 (1) (ge) of the statutes is amended to read:
3 20.410 (1) (ge) *Administrative and minimum supervision.* The amounts in the
4 schedule for the supervision of probationers, parolees, and persons on extended
5 supervision under minimum or administrative supervision and for the department's

SECTION 1

1 costs associated with contracts under s. 301.08 (1) (c) 2. All moneys received from
2 vendors under s. 301.08 (1) (c) 4. and from fees charged under s. ~~304.073 (2)~~ shall be
3 credited to this appropriation account.

4 **SECTION 2.** 71.93 (1) (a) 5. of the statutes is amended to read:

5 71.93 (1) (a) 5. An amount owed to the department of corrections under s.
6 ~~304.073 (2)~~ or 304.074 (2).

7 **SECTION 3.** 304.073 of the statutes is repealed.

8 **SECTION 4.** 304.074 (1) of the statutes is repealed.

9 **SECTION 5.** 304.074 (4) of the statutes is repealed.

10 **SECTION 6.** 973.09 (3) (bm) 1. of the statutes is amended to read:

11 973.09 (3) (bm) 1. At least 90 days before the expiration date of a probationer's
12 period of probation, the department may notify the sentencing court and the district
13 attorney that a probationer owes unpaid fees to the department under s. ~~304.073~~ or
14 304.074.

15 **SECTION 7.** 973.09 (3) (bm) 3. of the statutes is amended to read:

16 973.09 (3) (bm) 3. At a probation review hearing under subd. 2., the department
17 has the burden of proving that the probationer owes unpaid fees under s. ~~304.073~~ or
18 304.074 and the amount of the unpaid fees. If the department proves by a
19 preponderance of the evidence that the probationer owes unpaid fees under s.
20 ~~304.073~~ or 304.074, the court may, by order, extend the period of probation for a
21 stated period or modify the terms and conditions of probation.

22 **SECTION 8.** 973.09 (3) (c) 1. of the statutes is amended to read:

23 973.09 (3) (c) 1. The probationer has not made a good faith effort to discharge
24 court-ordered payment obligations or to pay fees owed under s. ~~304.073~~ or 304.074.

25 (END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0336/P2
MGD:kjf&cmh:jf

DOA:.....Steinmetz – BB0091, Administrative and minimum supervision fees

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Current law provides that, with certain exceptions, DOC must charge a fee to each person on probation, parole, or extended supervision to cover some or all of the cost of supervising the person. Current law authorizes DOC to set fees for persons subject to administrative or minimum supervision separately from its setting of fees for persons subject to more intensive supervision. This bill eliminates DOC's authority to base the fee on the level of supervision.

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. 20.410 (1) (ge) of the statutes is amended to read:

3 20.410 (1) (ge) *Administrative and minimum supervision.* The amounts in the
4 schedule for the supervision of probationers, parolees, and persons on extended

SECTION 1

1 supervision under minimum or administrative supervision and for the department's
2 costs associated with contracts under s. 301.08 (1) (c) 2. All moneys received from
3 vendors under s. 301.08 (1) (c) 4. ~~and from fees charged under s. 304.073 (2)~~ shall be
4 credited to this appropriation account.

5 **SECTION 2.** 71.93 (1) (a) 5. of the statutes is amended to read:

6 71.93 (1) (a) 5. An amount owed to the department of corrections under s.
7 ~~304.073 (2)~~ or 304.074 (2).

8 **SECTION 3.** 304.073 of the statutes is repealed.

9 **SECTION 4.** 304.074 (1) of the statutes is repealed.

10 **SECTION 5.** 304.074 (4) of the statutes is repealed.

11 **SECTION 6.** 973.09 (3) (bm) 1. of the statutes is amended to read:

12 973.09 (3) (bm) 1. At least 90 days before the expiration date of a probationer's
13 period of probation, the department may notify the sentencing court and the district
14 attorney that a probationer owes unpaid fees to the department under s. ~~304.073~~ or
15 304.074.

16 **SECTION 7.** 973.09 (3) (bm) 3. of the statutes is amended to read:

17 973.09 (3) (bm) 3. At a probation review hearing under subd. 2., the department
18 has the burden of proving that the probationer owes unpaid fees under s. ~~304.073~~ or
19 304.074 and the amount of the unpaid fees. If the department proves by a
20 preponderance of the evidence that the probationer owes unpaid fees under s.
21 ~~304.073~~ or 304.074, the court may, by order, extend the period of probation for a
22 stated period or modify the terms and conditions of probation.

23 **SECTION 8.** 973.09 (3) (c) 1. of the statutes is amended to read:

