

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **05/19/2003**

Received By: **rnelson2**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3847**

By/Representing: **Carmichael**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Correctional System - prisons
Correctional System - jails**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Carmichael -

Topic:

Contracts between DOC and county sheriffs for the placement of DOC prisoners in county jails

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> |
|--------------|------------------------|-----------------------|------------------------|----------------|------------------------|-----------------|-----------------|
| /1 | rnelson2 05/19/2003 | kgilfoy 05/19/2003 | pgreensl 05/19/2003 | _____ | amentkow 05/19/2003 | | |
| /2 | rnelson2 05/20/2003 | kgilfoy 05/20/2003 | chaskett 05/20/2003 | _____ | amentkow 05/20/2003 | | |
| /3 | rnelson2 | kgilfoy | pgreensl | _____ | lemery | | |

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| | 05/21/2003 | 05/21/2003 | 05/21/2003 | _____ | 05/21/2003 | | |

FE Sent For:

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*5/21 make change in (3) &
remove (r) - LFB*

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| /2 | rnelson2 05/20/2003 | kgilfoy 05/20/2003 | chaskett 05/20/2003 | <i>PS/RS</i> | amentkow 05/20/2003 | | |

*1/3-5/21
KMG*

*5/21
PS*

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Contracts between Department of Corrections and county sheriffs for the placement of DOC prisoners in county jails

Instructions:

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| /1 | rnelson2 05/19/2003 | kgilfoy 05/19/2003 | pgreensl 05/19/2003 | pg/cgm <u>STW</u> | amentkow 05/19/2003 | | |

FE Sent For:

12-5/20
kmg
1/2 5/20
ck

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Topic:

Contracts between dept. of corrections and county sheriffs for the placement of dept. prisoners in county jails.

Instructions:

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|--------------|----------------|------------------|--------------|----------------|------------------|-----------------|-----------------|
| /1 | rnelson2 | 1 - 5/19 kung | 5/19 p8 | 5/ HA | | | |
| FE Sent For: | | | | | | | |
| <END> | | | | | | | |

Carmichael

2 New Lisbon
+ High view

Senator Fitzgerald

cc Bauer

CORRECTIONS

Contacting with County Sheriffs for the Placement of State Inmates in Contract Beds

see 301-21

Motion:

Move to require that, if the Department Corrections has an existing contract with a private provider for the placement of inmates out-of-state, the Department must accept proposals from county sheriffs annually by July 1 to place state inmates in county jails. Require that annually, by October 1, the Department must evaluate the proposals and notify the counties whether or not state inmates may be placed in the county's jails beginning on the following January 1, based on criteria established by the Department. If the Department determines that inmates may be placed in a county's jail facility, require the Department to give the county priority over the out-of-state private provider. Specify that the daily cost for placing an inmate in a county jail be determined by the Department and county. Require, however, that the daily cost may be no higher than the highest rate provided in the existing contract with the private contractor.

Note:

The Department of Corrections currently contracts with the Corrections Corporation of America (CCA) for the placement of male inmates in out-of-state facilities. The contract with CCA establishes the rates for contract beds at \$48.50 for the period from December 22, 2002, to December 21, 2003, \$49.96 from December 22, 2003, to December 21, 2004, and \$51.46 from December 22, 2004, to December 21, 2005. On May 9, 2003, there were 2,411 inmates in out-of-state CCA facilities.

Under current law, Corrections may contract with local governments for temporary housing or detention in county jails or county houses of correction for persons sentenced to imprisonment in state prisons or to the intensive sanctions program. Statutes specify that, the rate under any such contract may not exceed \$60 per person per day.

The motion would require the Department to give counties priority over an out-of-state private contractor for the placement of inmates, if the Department determines that the county facilities meet criteria specified by the Department for the placement of inmates.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0211/1

RPN: *king*

Department

LFB:.....Carmichael – Contracts between ~~dept~~ of corrections and county sheriffs for the placement of ~~dept~~ prisoners in county jails *ae*

DOC

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

**SENATE AMENDMENT ,
TO 2003 SENATE BILL 44**

1 At the locations indicated, amend the bill as follows:

2 ✓ **1.** Page 961, line 2: after that line insert:

3 **“SECTION 2491^gA.** 301.215 of the statutes is created to read:

4 **301.215 Contracts with counties.** (1) During any period that the
5 department contracts with a private person under s. 301.21 (2m) ✓ for the transfer and
6 confinement in another state of prisoners who have been committed to the custody
7 of the department, the department shall do all of the following:

8 (a) By July 1 *of each year* ^{*annually,*} accept proposals submitted from county sheriffs to
9 place prisoners who have been committed to the custody of the department in county
10 jails.

the following

1 (b) By October 1, evaluate every proposal submitted under par. (a) and notify
2 each county that submitted a proposal whether, beginning on the following January
3 1, prisoners who have been committed to the custody of the department may be
4 placed in the county's jail under a contract with the department that is based on
5 criteria that the department establishes.

6 (2) If the department determines under sub. (1) (b) that prisoners may be
7 placed in the county's jail, the department and county shall establish the daily cost
8 to the department of placing the prisoner in the county's jail. The daily cost
9 established under this subsection may not exceed the highest daily cost paid by the
10 department to a private person under a contract under s. 301.21 (2m).

11 (3) If the department and a county enter into a contract for the placement of
12 prisoners who have been committed to the custody of the department in county jails,
13 the department shall place as many prisoners as is provided under the contract
14 before placing any prisoner with a private person outside the state under a contract
15 under s. 301.21 (2m).

16 (4) A contract between the department and a county under this section shall
17 provide for all of the following:

18 (a) A termination date.

19 (b) Provisions concerning the costs of prisoner maintenance, extraordinary
20 medical and dental expenses, and any participation in or receipt by inmates of
21 rehabilitative or correctional services, facilities, programs or treatment, including
22 those costs not reasonably included as part of normal maintenance.

23 (c) Provisions concerning any participation in programs of inmate employment,
24 if any, the disposition or crediting of any payments received by inmates on account

1 of employment, and the crediting of proceeds from or disposal of any products
2 resulting from employment.

3 (d) Delivery and retaking of inmates.

4 (e) Regular reporting procedures concerning the prisoners by the sheriff.

5 (f) Provisions concerning procedures for probation, parole, extended
6 supervision and discharge.

7 (g) The same standards of reasonable and humane care as the prisoners would
8 receive in an appropriate Wisconsin state prison. that

9 (h) Any other matters are necessary and appropriate to fix the obligations,
10 responsibilities and rights of the state and the county.”

11

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0211/2
RPN:kmg:pg

DOC

LFB:.....Carmichael – Contracts between ~~Department of Corrections~~ and county sheriffs for the placement of DOC prisoners in county jails

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION
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TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page 961, line 2: after that line insert:

3 "SECTION 2491g. 301.215 of the statutes is created to read:

4 **301.215 Contracts with counties.** (1) During any period that the
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8 (a) By July 1 annually, accept proposals submitted from county sheriffs to place
9 prisoners who have been committed to the custody of the department in county jails.

10 (b) By the following October 1, evaluate every proposal submitted under par.

(11) (a) and notify each county that submitted a proposal whether, ^{keep comma} beginning on the

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1 following January 1, prisoners who have been committed to the custody of the
2 department may be placed in the county's jail under a contract with the department
3 that is based on criteria that the department establishes.

4 (2) If the department determines under sub. (1) (b) that prisoners may be
5 placed in the county's jail, the department and county shall establish the daily cost
6 to the department of placing the prisoner in the county's jail. The daily cost
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8 department to a private person under *an existing* contract under s. 301.21 (2m).

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10 prisoners who have been committed to the custody of the department in county jails,
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20 those costs not reasonably included as part of normal maintenance.

21 (c) Provisions concerning any participation in programs of inmate employment,
22 if any, the disposition or crediting of any payments received by inmates on account
23 of employment, and the crediting of proceeds from or disposal of any products
24 resulting from employment.

25 (d) Delivery and retaking of inmates.

Notwithstanding s. 302.27,



LFB:.....Carmichael – Contracts between DOC and county sheriffs for the placement of DOC prisoners in county jails

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10 (3) If the department and a county enter into a contract for the placement of
11 prisoners who have been committed to the custody of the department in county jails,
12 the department shall ~~place as many~~ *give priority to placing* prisoners ~~as is provided under the contract~~ *in the county jail*
13 before placing any prisoner with a private person outside the state under a contract
14 under s. 301.21 (2m). *u.*

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25 ~~resulting from employment.~~

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- (d) Delivery and retaking of inmates.
- (e) Regular reporting procedures by the sheriff concerning the prisoners.
- (f) Provisions concerning procedures for probation, parole, extended supervision, and discharge.
- (g) The same standards of reasonable and humane care as the prisoners would receive in an appropriate Wisconsin state prison.
- (h) Any other matters that are necessary and appropriate to fix the obligations, responsibilities, and rights of the state and the county.”

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0211/3
RPN:kmg:pg

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12 the department shall give priority to placing prisoners in the county jail before
13 placing any prisoner with a private person outside the state under a contract under
14 s. 301.21 (2m).”.

15 (END)