

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **05/20/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Carmichael**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Correctional System - prisons**

Extra Copies: **rpn**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **jere.bauer@legis.state.wi.us**

Pre Topic:

LFB:.....Carmichael -

Topic:

Halfway houses for nonviolent prisoners

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>
/?	mdsida 05/22/2003	csicilia 05/22/2003		_____			
/1			pgreensl 05/22/2003	_____	sbasford 05/22/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: 05/20/2003

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Carmichael

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Correctional System - prisons

Extra Copies: rpn

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: jere.bauer@legis.state.wi.us

Pre Topic:

LFB:.....Carmichael -

Topic:

Halfway houses for nonviolent prisoners

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>
/?	mdsida	1 cjs 5/22 03	J /00 P8	S /02 P8/B			

FE Sent For:

<END>

Senator Welch

CORRECTIONS

Pilot Program for Non-Violent Offender Community Reintegration

Motion:

Move to create a pilot program to support two 25-bed halfway houses that would allow non-violent offenders to spend the last six months of their prison term at those facilities under the supervision of the Department of Corrections, notwithstanding current sentencing laws. Require that offenders may be placed in the program only with the approval of the sentencing judge. Increase purchase of services funding by \$500,500 GPR in 2004-05 and decrease contract bed funding by \$500,500 GPR in 2004-05 associated with creation of the program. Require Corrections to issue a request for proposal for halfway housing. Specify that one of the facilities be in an urban area and one of the facilities in a rural area, and that both provide specialized alcohol and other drug abuse treatment. Further, specify that the daily cost for the program may be no higher than the highest daily rate provided for out-of-state contract beds. Provisions of the program would sunset on June 30, 2008.

Require a study of the program to evaluate: (a) the program's success at providing community reintegration versus offenders who are not placed in the program; (b) the cost effectiveness of the program; (c) the administration of the program; and (d) public opinion of the program. Require that the study be completed and submitted to the Governor and the Legislature by January 1, 2007, in order to determine if the program should be continued.

Note:

Under current law, courts are required to impose a bifurcated sentence for any felony occurring on or after December 31, 1999, except for felonies resulting in a life sentence. The sentence consists of confinement in prison followed by a term of extended supervision in the community. Persons serving a bifurcated sentence are not eligible for the intensive sanctions or community residential confinement programs during the prison portion of the bifurcated sentence.

The motion would create a pilot program for two halfway houses that would allow non-violent offenders to spend the last six months of their prison term at those facilities. The motion would create an exemption to current law to allow offender's approved by a sentencing judge to be

placed in the program prior to completion of the confinement portion of a sentence. Under the program:

- Corrections would issue request for proposals (RFP) for halfway house beds at a rate no higher than the highest rate provided for out-of-state contract beds.
- If Corrections is able to procure halfway house beds under the terms of the RFP, 50 non-violent offenders would be placed in one of the two halfway houses that would provide specialized alcohol and other drug abuse services. One of the facilities would be in an urban area, and one in a rural area.
- The program would be authorized for a four year period ending June 30, 2008.
- A study of the program would be required. The study would evaluate: (a) the program's success at providing community reintegration verse offenders who are not placed in the program; (b) the cost effectiveness of the program; (c) the administration of the program; and (d) public opinion of the program.
- The study would be completed and submitted to the Governor and the Legislature by January 1, 2007, in order to determine if the program should be continued.

Plc to Chris -

Offender has to go back to court

Allow

Do not include in 301.35



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb024442
MGD: /.....
cjs

LFB:.....Carmichael – Halfway houses for nonviolent prisoners
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 363, line 20: after that line insert:

3 "SECTION 439g. 20.410 (1) (b) of the statutes is amended to read:

4 20.410 (1) (b) *Services for community corrections.* The amounts in the schedule
5 to provide services related to probation, extended supervision and parole, the
6 intensive sanctions program under s. 301.048, the community residential
7 confinement program under s. 301.046, the halfway house program under s. 301.465, 0465
8 programs of intensive supervision of adult offenders, and minimum security
9 correctional institutions established under s. 301.13. No payments may be made
10 under this paragraph for payments in accordance with other states party to the
11 interstate corrections compact under s. 302.25.

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.

1 **SECTION 439r.** 20.410 (1) (b) of the statutes, as affected by 2003 Wisconsin Act
2 (this act), is amended to read:

3 20.410 (1) (b) *Services for community corrections.* The amounts in the schedule
4 to provide services related to probation, extended supervision and parole, the
5 intensive sanctions program under s. 301.048, the community residential
6 confinement program under s. 301.046, ~~the halfway house program under s. 301.465,~~ 0465
7 programs of intensive supervision of adult offenders, and minimum security
8 correctional institutions established under s. 301.13. No payments may be made
9 under this paragraph for payments in accordance with other states party to the
10 interstate corrections compact under s. 302.25.” ✓

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.

11 **2.** Page 555, line 2: after that line insert:

12 ✓ “**SECTION 1189g.** 48.981 (1) (b) of the statutes is amended to read:

13 48.981 (1) (b) “Community placement” means probation; extended supervision;
14 parole; aftercare; conditional transfer into the community under s. 51.35 (1);
15 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 child
16 caring institution or a Type 2 secured correctional facility authorized under s.
17 938.539 (5); conditional release under s. 971.17; supervised release under s. 980.06
18 or 980.08; participation in the community residential confinement program under
19 s. 301.046, the halfway house program under s. 301.465, 0465 the intensive sanctions
20 program under s. 301.048, the corrective sanctions program under s. 938.533, the
21 intensive supervision program under s. 938.534 or the serious juvenile offender
22 program under s. 938.538; or any other placement of an adult or juvenile offender in
23 the community under the custody or supervision of the department of corrections, the
24 department of health and family services, a county department under s. 46.215,

1 46.22, 46.23, 51.42 or 51.437 or any other person under contract with the department
2 of corrections, the department of health and family services or a county department
3 under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to exercise custody or supervision over
4 the offender.

er
History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105.

5 **SECTION 1189g.** 48.981 (1) (b) of the statutes, as affected by 2003 Wisconsin
6 Act (this act), is amended to read:

7 48.981 (1) (b) "Community placement" means probation; extended supervision;
8 parole; aftercare; conditional transfer into the community under s. 51.35 (1);
9 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 child
10 caring institution or a Type 2 secured correctional facility authorized under s.
11 938.539 (5); conditional release under s. 971.17; supervised release under s. 980.06
12 or 980.08; participation in the community residential confinement program under
13 s. 301.046, ~~the halfway house program under s. 301.465~~, the intensive sanctions
14 program under s. 301.048, the corrective sanctions program under s. 938.533, the
15 intensive supervision program under s. 938.534 or the serious juvenile offender
16 program under s. 938.538; or any other placement of an adult or juvenile offender in
17 the community under the custody or supervision of the department of corrections, the
18 department of health and family services, a county department under s. 46.215,
19 46.22, 46.23, 51.42 or 51.437 or any other person under contract with the department
20 of corrections, the department of health and family services or a county department
21 under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to exercise custody or supervision over
22 the offender." ✓

→ #. Page 958, line 23: after that line insert:

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105.

23 **SECTION 2485g.** 301.0465 of the statutes is created to read:

1 **301.0465 Halfway houses for nonviolent offenders.** (1) ESTABLISHMENT
 2 AND COST. The department shall request proposals and may contract for the
 3 establishment of (two) 25-bed halfway houses for nonviolent offenders, with one to be
 4 located in an urban area and one in a rural area. The department, however, may not
 5 accept a proposal unless its daily cost per inmate under the proposal is less than or
 6 equal to its highest daily cost per inmate under contracts entered into under s.
 7 301.21. ✓

8 (2) FACILITY, INMATE, OFFICER, AND EMPLOYEE STATUS. A halfway house
 9 established under sub. (1) is a state prison under s. 302.01. Inmates confined in a
 10 halfway house under this section are under the care and control of the halfway house,
 11 subject to its rules and discipline, and subject to all laws pertaining to inmates of
 12 other state prisons. Officers and employees of a halfway house are subject to all laws
 13 pertaining to other state prisons. ✓

14 (3) ELIGIBILITY. The department shall determine which prisoners are to be
 15 confined in a halfway house established under sub. (1), but a prisoner is eligible for
 16 this confinement only if all of the following apply:

17 (a) The prisoner is a ^enonviolent offender to whom one of the following applies:

18 1. He or she is serving no more than the last (six) months of the term of
 19 confinement under his or her ^{of a} bifurcated sentence. ✓ (6)

20 2. He or she was returned to prison under s. 302.113 (9) and there are no more
 21 than (six) months remaining on ^{of} the time for which he or she is to be incarcerated. ✓

22 3. He or she is serving an indeterminate sentence for a crime other than a
 23 serious felony, as defined in s. 302.11 (1g), and there are no more than (12) months
 24 remaining until his or her mandatory release date under s. 302.11. ✓ (6)

1 4. He or she is serving an indeterminate sentence and the parole commission
2 has authorized his or her release on parole within the next ~~six~~ months.

3 5. He or she is serving no more than the last ~~six~~ months of an indeterminate
4 sentence.

5 (b) Upon a petition by the department within the ~~three~~ months immediately
6 preceding the person's placement in the halfway house, the sentencing court entered
7 an order authorizing the placement.

8 (4) NO DIRECT COMMITMENT BY COURT. A court may not directly commit persons
9 to a halfway house established under sub. (1).

10 (5) REPORT. The department shall submit a report to the legislature under s.
11 13.172 (2) and to the governor by January 1, 2007, addressing all of the following:

12 (a) The ~~halfway house program's~~ success in reintegrating offenders into the
13 community as compared to other programs for incarcerated offenders.

14 (b) The cost effectiveness of the program.

15 (c) The administration of the program.

16 (d) The public's opinion of the program.

17 SECTION 2485r. 301.0465 of the statutes, as created by 2003 Wisconsin Act ...
18 (this act), is repealed."

19 3. Page 1129, line 3: after that line insert:

20 (19) SUNSET OF HALFWAY HOUSE PROGRAM. The treatment of sections 20.410 (1)
21 (b) (by SECTION 439r) and 48.981 (1) (b) (by SECTION 1189g) of the statutes and the
22 repeal of (s) 301.0465 the statutes takes effect on July 1, 2008."

23 (END)

Section

(6)
(6)
(3)

of the halfway house program under this section

(19)

(r)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0244/1
MGD:cjs:pg

LFB:.....Carmichael – Halfway houses for nonviolent prisoners

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 363, line 20: after that line insert:

3 “SECTION 439g. 20.410 (1) (b) of the statutes is amended to read:

4 20.410 (1) (b) *Services for community corrections.* The amounts in the schedule
5 to provide services related to probation, extended supervision and parole, the
6 intensive sanctions program under s. 301.048, the community residential
7 confinement program under s. 301.046, the halfway house program under s.
8 301.0465, programs of intensive supervision of adult offenders, and minimum
9 security correctional institutions established under s. 301.13. No payments may be
10 made under this paragraph for payments in accordance with other states party to the
11 interstate corrections compact under s. 302.25.

1 **SECTION 439r.** 20.410 (1) (b) of the statutes, as affected by 2003 Wisconsin Act
2 (this act), is amended to read:

3 20.410 (1) (b) *Services for community corrections.* The amounts in the schedule
4 to provide services related to probation, extended supervision and parole, the
5 intensive sanctions program under s. 301.048, the community residential
6 confinement program under s. 301.046, ~~the halfway house program under s.~~
7 ~~301.0465~~, programs of intensive supervision of adult offenders, and minimum
8 security correctional institutions established under s. 301.13. No payments may be
9 made under this paragraph for payments in accordance with other states party to the
10 interstate corrections compact under s. 302.25.”.

11 **2.** Page 555, line 2: after that line insert:

12 **“SECTION 1189g.** 48.981 (1) (b) of the statutes is amended to read:

13 48.981 (1) (b) “Community placement” means probation; extended supervision;
14 parole; aftercare; conditional transfer into the community under s. 51.35 (1);
15 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 child
16 caring institution or a Type 2 secured correctional facility authorized under s.
17 938.539 (5); conditional release under s. 971.17; supervised release under s. 980.06
18 or 980.08; participation in the community residential confinement program under
19 s. 301.046, the halfway house program under s. 301.0465, the intensive sanctions
20 program under s. 301.048, the corrective sanctions program under s. 938.533, the
21 intensive supervision program under s. 938.534 or the serious juvenile offender
22 program under s. 938.538; or any other placement of an adult or juvenile offender in
23 the community under the custody or supervision of the department of corrections, the
24 department of health and family services, a county department under s. 46.215,

1 46.22, 46.23, 51.42 or 51.437 or any other person under contract with the department
2 of corrections, the department of health and family services or a county department
3 under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to exercise custody or supervision over
4 the offender.

5 **SECTION 1189r.** 48.981 (1) (b) of the statutes, as affected by 2003 Wisconsin Act
6 (this act), is amended to read:

7 48.981 (1) (b) “Community placement” means probation; extended supervision;
8 parole; aftercare; conditional transfer into the community under s. 51.35 (1);
9 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 child
10 caring institution or a Type 2 secured correctional facility authorized under s.
11 938.539 (5); conditional release under s. 971.17; supervised release under s. 980.06
12 or 980.08; participation in the community residential confinement program under
13 s. 301.046, ~~the halfway house program under s. 301.0465~~, the intensive sanctions
14 program under s. 301.048, the corrective sanctions program under s. 938.533, the
15 intensive supervision program under s. 938.534 or the serious juvenile offender
16 program under s. 938.538; or any other placement of an adult or juvenile offender in
17 the community under the custody or supervision of the department of corrections, the
18 department of health and family services, a county department under s. 46.215,
19 46.22, 46.23, 51.42 or 51.437 or any other person under contract with the department
20 of corrections, the department of health and family services or a county department
21 under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to exercise custody or supervision over
22 the offender.”.

23 **3.** Page 958, line 23: after that line insert:

24 **“SECTION 2485g.** 301.0465 of the statutes is created to read:

1 **301.0465 Halfway houses for nonviolent offenders. (1) ESTABLISHMENT**
2 AND COST. The department shall request proposals and may contract for the
3 establishment of 2 25–bed halfway houses for nonviolent offenders, with one to be
4 located in an urban area and one in a rural area. The department, however, may not
5 accept a proposal unless its daily cost per inmate under the proposal is less than or
6 equal to its highest daily cost per inmate under contracts entered into under s.
7 301.21.

8 **(2) FACILITY, INMATE, OFFICER, AND EMPLOYEE STATUS.** A halfway house
9 established under sub. (1) is a state prison under s. 302.01. Inmates confined in a
10 halfway house under this section are under the care and control of the halfway house,
11 subject to its rules and discipline, and subject to all laws pertaining to inmates of
12 other state prisons. Officers and employees of a halfway house are subject to all laws
13 pertaining to other state prisons.

14 **(3) ELIGIBILITY.** The department shall determine which prisoners are to be
15 confined in a halfway house established under sub. (1), but a prisoner is eligible for
16 this confinement only if all of the following apply:

17 (a) The prisoner is a nonviolent offender to whom one of the following applies:

18 1. He or she is serving no more than the last 6 months of the term of confinement
19 of a bifurcated sentence.

20 2. He or she was returned to prison under s. 302.113 (9) and there are no more
21 than 6 months remaining of the time for which he or she is to be incarcerated.

22 3. He or she is serving an indeterminate sentence for a crime other than a
23 serious felony, as defined in s. 302.11 (1g), and there are no more than 6 months
24 remaining until his or her mandatory release date under s. 302.11.

1 4. He or she is serving an indeterminate sentence and the parole commission
2 has authorized his or her release on parole within the next 6 months.

3 5. He or she is serving no more than the last 6 months of an indeterminate
4 sentence.

5 (b) Upon a petition by the department within the 3 months immediately
6 preceding the person's placement in the halfway house, the sentencing court entered
7 an order authorizing the placement.

8 (4) NO DIRECT COMMITMENT BY COURT. A court may not directly commit persons
9 to a halfway house established under sub. (1).

10 (5) REPORT. The department shall submit a report to the legislature under s.
11 13.172 (2) and to the governor by January 1, 2007, addressing all of the following:

12 (a) The success of the halfway house program under this section in
13 reintegrating offenders into the community as compared to other programs for
14 incarcerated offenders.

15 (b) The cost effectiveness of the program.

16 (c) The administration of the program.

17 (d) The public's opinion of the program.

18 SECTION 2485r. 301.0465 of the statutes, as created by 2003 Wisconsin Act
19 (this act), is repealed.”.

20 4. Page 1129, line 3: after that line insert:

21 “(1q) SUNSET OF HALFWAY HOUSE PROGRAM. The treatment of sections 20.410 (1)
22 (b) (by SECTION 439r) and 48.981 (1) (b) (by SECTION 1189r) of the statutes and the
23 repeal of section 301.0465 the statutes take effect on July 1, 2008.”.

24 (END)