

2003 DRAFTING REQUEST

Bill

Received: **11/19/2002**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Steven Foti (608) 266-2401**

By/Representing: **Adam**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Correctional System - jails**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Foti@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Municipal reimbursement for prisoners

Instructions:

See Attached 01-1831

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>
/?	rnelson2 11/21/2002	jdyer 12/02/2002		_____			Local
/1			chaskett 12/03/2002	_____	sbasford 12/03/2002	mbarman 01/21/2003	

FE Sent For:

→ At
Intro.

<END>

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		1 1/2 jld	1-1/2 CP	1-1/2 CP 1/13			

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3
2001 ASSEMBLY BILL 282

May 8, 2001 - Introduced by Representatives J. FITZGERALD, ALBERS, BIES, DUFF, FOTI, GUNDERSON, HAHN/HOVEN, HUEBSCH, HUNDERTMARK, JESKEWITZ, KESTELL, KRAWCZYK, LADWIG, J. LEHMAN, M. LEHMAN, LEIBHAM, LA FAVE, D. MEYER, MUSSER, PETROWSKI, PLOUFF, POWERS, STARZYK, SYKORA, TOWNSEND, URBAN, VRAKAS, WADE and ZIEGELBAUER, cosponsored by Senators S. FITZGERALD, HUELSMAN and ROESSLER. Referred to Committee on Corrections and the Courts.

Regen

- 1 AN ACT to create 302.373 of the statutes; relating to: prisoner reimbursement
2 to a municipality.

Analysis by the Legislative Reference Bureau

Under current law, the department of corrections (DOC) may charge a prisoner for the some or all of the costs to DOC for the prisoner's incarceration in a state facility. The law allows the attorney general to bring a civil action to recover any costs DOC has not recovered. Current law also allows the county to seek reimbursement from a prisoner for any expenses incurred by the county for incarcerating a prisoner in a county jail who was sentenced for a crime. The county may commence an action in circuit court to obtain a judgment for the expenses, and must do so within 12 months after the release of the prisoner or be barred from bringing the action. *

Under current law, a city, village, or town is required to pay expenses incurred by a county to imprison persons that a court orders imprisoned for failing to pay a forfeiture and assessments and costs related to a municipal ordinance violation. Under this bill, the city, village, or town may seek reimbursement from the prisoner for the amount paid to a county for the expenses incurred by the county to incarcerate the prisoner. The city, village, or town may commence an action in circuit court to obtain a judgment for the expenses, and must do so within 12 months after the release of the prisoner or be barred from bringing the action.

ASSEMBLY BILL 382

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:

1 SECTION 1. 302.373^X of the statutes is created to read:

2 **302.373 Prisoner reimbursement to municipality.** (1) In this[✓] section:

3 (a) "Jail" means a county jail, a rehabilitation facility established by s. 59.53[✓]
4 (8), or a county house of correction under s. 303.16[✓].

5 (b) "Prisoner" means a person who is incarcerated in a jail by court order under
6 s. 800.095 (4) (b) 1.[✓]

7 (2) (a) Except as provided in par. (b),[✓] a city, village, or town may seek
8 reimbursement from the prisoner for the amount paid to a county under s. 800.095[✓]
9 (6) for the expenses incurred by the county to incarcerate the prisoner.

10 (b) This section applies to expenses incurred after the effective date of this
11 paragraph[✓] [revisor inserts date].

12 (3) Within 12 months after the release of a prisoner from jail, the city, village,
13 or town shall commence a civil action in circuit court to obtain a judgment for the
14 amount paid to the county under sub. (2)[✓] or be barred.

15 (4) Before entering a judgment in an action under sub. (3)[✓] for a city, village, or
16 town, the court shall consider any legal obligations of the defendant for support or
17 maintenance under ch. 767[✓] and any moral obligation of the[✓] defendant to support
18 dependants^e and may reduce the amount of the judgment entered for the city, village,
19 or town based on those obligations.

20

(END)

Barman, Mike

From: Raschka, Adam
Sent: Tuesday, January 21, 2003 9:45 AM
To: LRB.Legal
Subject: Draft review: LRB-0793/1 Topic: Municipal reimbursement for prisoners

It has been requested by <Raschka, Adam> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0793/1 Topic: Municipal reimbursement for prisoners