

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

03hr_ab0352b

03hr_sb0000

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: _____

Moved by: SK

Seconded by: F. K.

AB 352 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator David Zien, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Tim Carpenter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____



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MEMORANDUM

To: Members of the Senate Committee on Judiciary, Corrections and Privacy
From: Criminal Law Section, State Bar of Wisconsin
Date: January 23, 2004
Re: Assembly Bill 352 - SUPPORT

The Criminal Law Section of the State Bar of Wisconsin supports Assembly Bill 352 because it will provide consistency from county to county with regard to Huber privileges.

Wisconsin established the first successful day parole program for county jail prisoners in 1913. Called the Huber Law, it allows prisoners to leave jail and go out and work during the day, but return to jail at night. This law enables persons confined to jail to maintain employment and continue to support their families and meet other obligations. It plays a key role in rehabilitating prisoners and preparing them for returning to the community as productive, contributing, law-abiding citizens.

In addition to work privileges, therapy helps rehabilitate prisoners. Granting Huber privileges for therapy is a common sense way to ensure that prisoners will have the tools they need to cope once released from jail. However, counties have different interpretations as to whether current law allows for granting Huber privileges for such therapy, since it is not clearly specified in the statutes. Such a strict reading of the law has resulted in some prisoners being denied Huber release for therapy. Without such therapy, some will be tempted to stray down a criminal path upon release from jail and reoffend, an expensive proposition for taxpayers and a toll on strained county budgets.

Assembly Bill 352 would bring consistency to varying county policies and send a clear message that granting Huber privileges for prisoners to receive needed therapy is not only expressly allowed, but desirable.

For these reasons, the Criminal Law Section urges committee members to support Assembly Bill 352.

If you have any questions, please feel free to contact Deb Sybell, Government Relations Coordinator for the State Bar of Wisconsin.

State Bar of Wisconsin

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JEAN HUNDERTMARK

STATE REPRESENTATIVE

40TH ASSEMBLY DISTRICT

ASSISTANT MAJORITY LEADER

Testimony for AB 352

Senate Judiciary, Correction and Privacy Committee

January 23, 2004

Thank you Chairman Zien and committee members for holding a hearing on Assembly Bill (AB) 352. AB 352 was an idea that was brought to my attention by Kim Roberts, a probation and parole agent in Waupaca County.

State statute currently allows a Huber inmate to be granted the privilege of being released from a county jail for periods of time for any of the following purposes: to seek employment or to work, to perform community service, to attend a court ordered assessment, to attend an alcohol related treatment program, to attend a court proceeding, to receive an education, or to receive medical treatment. It even goes so far as to allow time to conduct any self-employed occupation, including housekeeping and attending to the needs of the person's family.

However, the law is silent when a need is recognized that would allow certain types of treatment of the very condition that contributed to the crime for which the inmate was convicted.

AB 352 would allow a Huber inmate to be released to receive counseling or therapy from an approved public treatment facility, to attend an assessment to gauge the need for treatment, to attend a parenting education program, or to meet with their probation or parole officer.

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Because the law is silent in allowing Huber inmates to receive treatment for sexual or domestic abuse while they are incarcerated, many do not receive any treatment at all. This lack of treatment often leads those to re-offend once they are released.

The goal of this bill is to give inmates the therapy they need to deal with their problems and succeed in becoming contributing members of their community.

Some counties allow Huber privileges for this type of therapy already. However, other counties follow the letter of the law and do not. This bill would clarify any current ambiguity and allow all counties to give these individuals the help they need. Any costs associated with this treatment would be paid by the inmate.

If this therapy option is offered through the Huber program, inmates are more likely to be motivated to attend. Participation levels would be much higher if therapy was done while the person is in the Huber program than after they are released, and treatment could start almost immediately.

Another important aspect of this bill is allowing for the release of a Huber inmate for parental education. Ironically, Huber law allows the inmate to be released to care for their children after a domestic abuse incident, but it does not allow for therapy on how to deal with that child upon release so that repeat offenses do not occur.

In closing, the Huber program has done a good job in reintegrating offenders back into our society. AB 352 would simply add to the program by giving inmates the therapy and counseling they need to become valuable members of their family and their community. We are all aware of the high rate of return to prison or jail by repeat offenders. It is my hope that this bill will help to reduce that number.

Thank you and I'm happy to answer any questions you have.