



## 2007 ASSEMBLY BILL 773

February 8, 2008 - Introduced by Representatives SHERIDAN, BENEDICT, HIXSON, BERCEAU, BOYLE, GRIGSBY, MUSSER, TRAVIS, TURNER, ZEPNICK and HINTZ, cosponsored by Senators ROBSON, LEHMAN and TAYLOR. Referred to Committee on Corrections and Courts.

1     **AN ACT** *to amend* 302.425 (2) and 302.425 (3) of the statutes; **relating to:** home  
2     detention.

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### *Analysis by the Legislative Reference Bureau*

Under current law, certain persons confined in jail who have been arrested for, charged with, convicted of, or sentenced to, a crime may be placed in a home detention program. Persons in a home detention program are not housed in a jail but are allowed to live in a residence and are monitored by the sheriff or superintendent of the jail to ensure that they comply with restrictions on their liberty. Current law requires the person and the Department of Corrections to agree to home detention.

Under this bill, a person who is confined in jail for any reason may be placed in a home detention program if the sheriff or superintendent for the jail believes that the home detention program is appropriate for the person.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3     **SECTION 1.** 302.425 (2) of the statutes is amended to read:  
4     **302.425 (2) SHERIFF'S OR SUPERINTENDENT'S GENERAL AUTHORITY.** Subject to the  
5     limitations under sub. (3), a county sheriff or a superintendent of a house of

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1 correction may place in the home detention program any person confined in jail who  
2 has been arrested for, charged with, convicted of or sentenced for a crime. The sheriff  
3 or superintendent may transfer any prisoner in the home detention program to the  
4 jail.

5 **SECTION 2.** 302.425 (3) of the statutes is amended to read:

6 302.425 (3) PLACEMENT OF A PRISONER IN THE PROGRAM. If ~~a prisoner described~~  
7 ~~under sub. (2) and the department agree~~ the sheriff or superintendent determines  
8 that the home detention program is appropriate for a prisoner, the sheriff or  
9 superintendent may place the prisoner in the home detention program and provide  
10 that the prisoner be detained at the prisoner's place of residence or other place  
11 designated by the sheriff or superintendent and be monitored by an active electronic  
12 monitoring system. The sheriff or superintendent shall establish reasonable terms  
13 of detention and ensure that the prisoner is provided a written statement of those  
14 terms, including a description of the detention monitoring procedures and  
15 requirements and of any applicable liability issues. The terms may include a  
16 requirement that the prisoner pay the county a daily fee to cover the county costs  
17 associated with monitoring him or her. The county may obtain payment under this  
18 subsection or s. 302.372, but may not collect for the same expenses twice.

19 (END)