

2013 DRAFTING REQUEST

Bill

Received: 12/6/2012 Received By: phurley
Wanted: As time permits Same as LRB:
For: Joseph Leibham (608) 266-2056 By/Representing: Alex
May Contact: Drafter: phurley
Subject: Correctional System - jails Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Leibham@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Prisoner reimbursement to counties

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>
/P1	phurley 12/17/2012	jdyer 12/14/2012	jfrantze 12/14/2012	_____	mbarman 12/14/2012		State S&L
/P2	phurley 1/8/2013	jdyer 12/18/2012	rschluet 12/18/2012	_____	sbasford 12/18/2012		State S&L
/1	phurley 1/16/2013	jdyer 1/8/2013	jfrantze 1/8/2013	_____	srose 1/8/2013	mbarman 1/16/2013	State S&L

FE Sent For:

at
intro

<END>

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1/8 jld Jo 1/8 JB

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P2 12/18 jld
12/18
<END>
12/18

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/P1	phurley	P1 12/14 JLD		==			

FE Sent For:

<END>

Hurley, Peggy

From: Hansen, Alex
Sent: Thursday, December 06, 2012 11:20 AM
To: Hurley, Peggy
Subject: Drafting Request

Hi Peggy,

I hope this message finds you well. On behalf of Senator Leibham, I would like to request a draft that would do the following:

Amend the time limit pertaining to inmate reimbursement as described in 302.372 (6) (a), Stats. from 12 months to 24 months.

Please draft this bill in preliminary form.

Let me know if you have any questions or if this request should be re-routed to someone else. Thank you.

Alex Hansen

Office of Senator Joe Leibham

9th Senate District

Capitol Phone: (608) 266-2056

District Phone: (920) 457-7367

Toll Free: (888) 295-8750

Fax: (608) 267-6796

PO Box 7882

Madison, WI 53707-7882

www.leibhamsenate.com

302.372 Prisoner reimbursement to a county.

(1) (intro.) DEFINITIONS. In this section:

(a) "Jail" includes a house of correction, Huber facility under s. 303.09 or a work camp under s. 303.10.

(b) "Jailer" includes a sheriff, superintendent or other keeper of a jail.

(2) REIMBURSEMENT OF EXPENSES; COUNTY OPTION.

(a) (intro.) Except as provided in pars. (c) and (d), a county may seek reimbursement for any expenses incurred by the county in relation to the crime for which a person was sentenced to a county jail, or for which the person was placed on probation and confined in jail, as follows:

1. From each person who is or was a prisoner, not more than the actual per-day cost of maintaining that prisoner, as set by the county board by ordinance, for the entire period of time that the person is or was confined in the jail, including any period of pretrial detention.

2. To investigate the financial status of the person.

3. Any other expenses incurred by the county in order to collect payments under this section.

(b) Before seeking any reimbursement under this section, the county shall provide a form to be used for determining the financial status of prisoners. The form shall provide for obtaining the social security number of the prisoner, the age and marital status of a prisoner, the number and ages of children of a prisoner, the number and ages of other dependents of a prisoner, the income of a prisoner, type and value of real estate owned by a prisoner, type and value of personal property owned by a prisoner, the prisoner's cash and financial institution accounts, type and value of the prisoner's investments, pensions and annuities and any other personalty of significant cash value owned by a prisoner. The county shall use the form whenever investigating the financial status of prisoners. The information on a completed form is confidential and not open to public inspection or copying under s. 19.35 (1), except that the county shall provide the name and address of an individual, the name and address of the individual's employer and financial information related to the individual from a form completed under this paragraph in response to a request for information under s. 49.22 (2m) made by the department of children and families or a county child support agency under s. 59.53 (5).

(c) This section applies to expenses incurred on or after May 9, 1996.

(d) The jailer shall choose, for each prisoner, whether to seek reimbursement under this section or as otherwise provided in chs. 301 to 303, but may not collect for the same expenses twice. The jailer may choose to seek reimbursement for the expenses under sub. (2) (a) using the method under sub. (5), the method under sub. (6) or a combination of both methods, but may not seek reimbursement for the same expenses twice.

(3) LIST OF PRISONERS; INFORMATION; REPORTS. Upon request of the district attorney or the corporation counsel for the county, the jailer shall provide the district attorney or corporation counsel with a list containing the name of each sentenced prisoner or prisoner confined as a condition of probation, the term of sentence or confinement, and the date of admission, together with information regarding the financial

status of each prisoner to enable the county to obtain reimbursement under this section.

(4) PRISONER COOPERATION. A prisoner in a jail shall cooperate with the county in seeking reimbursement under this section for expenses incurred by the county for that prisoner. A prisoner who intentionally refuses to cooperate under this subsection may not earn good time credit under s. 302.43 or diminution of sentence under s. 303.19 (3). If the prisoner is confined as a condition of probation, refusal to cooperate is a ground for revocation of probation.

(5) CHARGE TO OBTAIN REIMBURSEMENT. The jailer may charge a prisoner for the expenses under sub. (2) (a) while he or she is a prisoner. If the jailer maintains an institutional account for a prisoner's use for payment for items from canteen, vending or similar services, the jailer may make deductions from the account to pay for the expenses under sub. (2) (a). Any money collected under this subsection shall be deposited in the county treasury.

(6) ACTION TO OBTAIN REIMBURSEMENT.

(a) Within 12 months after the release of a prisoner from jail, the county where the jail is located shall commence a civil action in circuit court to obtain a judgment for the expenses under sub. (2) (a) or be barred. The jailer shall provide any assistance that the county requests related to an action under this subsection.

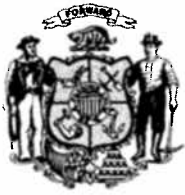
(b) An action commenced under this subsection shall be commenced in the county where the jail is located or in the county where the defendant resides.

(c) The complaint in an action commenced under this subsection shall include the date and place of the sentence, the length of time of the sentence, the length of time actually served in the jail and the amount of expenses incurred by the county under sub. (2) (a).

(d) Before entering a judgment for the county, the court shall consider any legal obligations of the defendant for support or maintenance under ch. 767 and any moral obligation of the defendant to support dependents and may reduce the amount of the judgment entered for the county based on those obligations.

(e) Any money obtained as the result of an action commenced under this subsection shall be deposited in the county treasury.

History: 1995 a. 281; 1997 a. 191; 1999 a. 32; 2007 a. 20.



Page 6

LRB-0750/P1

PJH

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

12-6-12

X

Gen

1 AN ACT ...; relating to: extending the time period for counties to seek
2 reimbursement from prisoners for expenses associated with confinement in
3 jail.

Analysis by the Legislative Reference Bureau

Under current law, a county may seek, from a person who is sentenced to a county jail or placed on probation and confined in jail, reimbursement for expenses it incurs in relation to the crime for which the person was sentenced to or confined in jail. Current law allows the county 12 months after the person is released from jail to commence a civil action in circuit court for reimbursement of the expenses.

This law extends, from 12 months to 24 months, the time in which a county may commence a civil action for reimbursement of its expenses from a person who is released from jail.

For further information see the *state and 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:

4 SECTION 1. 302.372 (6) (a) of the statutes is amended to read:
5 302.372 (6) (a) Within 24 months after the release of a prisoner from jail,
6 the county where the jail is located shall commence a civil action in circuit court to

SECTION 1

1 obtain a judgment for the expenses under sub. (2) (a) or be barred. The jailer shall
2 provide any assistance that the county requests related to an action under this
3 subsection.

4 **History:** 1995 a. 281; 1997 a. 191; 1999 a. 32; 2007 a. 20.

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0750/P1
PJH:jld

P2
1/17

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

12-16-12

Print
w/line
numbers
↓
4

Regen

AN ACT to amend 302.372 (6) (a) of the statutes; relating to: extending the time period for counties to seek reimbursement from prisoners for expenses associated with confinement in jail.

✓ Certain

Analysis by the Legislative Reference Bureau

Under current law, a county may seek, from a person who is sentenced to a county jail or placed on probation and confined in jail, reimbursement for expenses it incurs in relation to the crime for which the person was sentenced to or confined in jail. Current law allows the county 12 months after the person is released from jail to commence a civil action in circuit court for reimbursement of the expenses.

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✓
Insert
analysis

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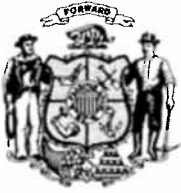
(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0750/P1ins
PJH:jld:jf

NO INSERT ANALYSIS:

* ~~A~~ These expenses include the daily cost of maintaining the person in jail, costs incurred to investigate the person's financial status, and other monies the county spends in order to collect payment of those expenses from the person. ~~A~~ e moneys



2013 BILL

rar

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1-8-13

X

Regen

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2 period for counties to seek reimbursement from prisoners for expenses
3 associated with confinement in jail.

Analysis by the Legislative Reference Bureau

Under current law, a county may seek, from a person who is sentenced to a county jail or placed on probation and confined in jail, reimbursement for certain expenses it incurs in relation to the crime for which the person was sentenced to or confined in jail. These expenses include the daily cost of maintaining the person in jail, costs incurred to investigate the person's financial status, and other moneys the county spends in order to collect payment of those expenses from the person. Current law allows the county 12 months after the person is released from jail to commence a civil action in circuit court for reimbursement of the expenses.

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4

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Barman, Mike

From: Hurley, Peggy
Sent: Wednesday, January 16, 2013 3:13 PM
To: Barman, Mike
Subject: FW: Bill Request in Introducible Draft Form

Hi Mike,

Can you please jacket 13-0299? I will redraft 0750 into a /1.

Peggy

~~0299~~
-0294

Already is a "/1"... jacket for Senate

From: Hansen, Alex
Sent: Wednesday, January 16, 2013 3:11 PM
To: Hurley, Peggy
Subject: Bill Request in Introducible Draft Form

Good Afternoon Peggy,

On behalf of Senator Leibham, could I please get the following bills delivered to our office in introducible draft form, along with a jacket for introduction?

- LRB 0294/1
- LRB 0750/P2

Thank you very much.

Alex Hansen
Office of Senator Joe Leibham
Phone: (608) 266-2056
Room 15 South, State Capitol
www.leibhamsenate.com