



## 2013 SENATE BILL 648

1     **AN ACT** *to renumber and amend* 302.44 and 800.095 (1) (b) 3.; and *to create*  
2             302.44 (2) and 800.095 (1) (b) 3. b. of the statutes; **relating to:** allowing county  
3             and municipal prisoners to be imprisoned in a bordering county within or  
4             outside of the state.

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*Analysis by the Legislative Reference Bureau*

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

5             **SECTION 1.** 302.44 of the statutes is renumbered 302.44 (1) and amended to  
6             read:  
7             302.44 (1) Two or more counties within the state may agree under s. 66.0301  
8             for the cooperative establishment and use of the jails and rehabilitation facilities of  
9             any of them for the detention or imprisonment of prisoners before, during and after  
10            trial and for sharing the expense without reference to s. 302.34. The sheriffs of the

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1 counties shall lodge prisoners in any jail or rehabilitation facility authorized by the  
2 agreement and shall endorse the commitment, if any, under s. 302.35 in case  
3 detention or imprisonment is in the jail or rehabilitation facility of another county.  
4 Only jails and rehabilitation facilities approved by the department for the detention  
5 of prisoners may be used under the agreement. The sheriff of the county of arrest  
6 shall transport the prisoner to and from court and to any other institution whenever  
7 necessary.

8 **SECTION 2.** 302.44 (2) of the statutes is created to read:

9 302.44 (2) A county in this state may enter into a contract with a receiving  
10 county outside of the state to pay the receiving county to detain or imprison prisoners  
11 who are not in the custody of the department before, during, and after trial if the  
12 receiving county borders the county in which the prisoner would otherwise be  
13 detained or imprisoned, and the monthly expenses charged to the county in this state  
14 by the receiving county to detain or imprison the prisoner are at least 25 percent less  
15 than the monthly expenses charged by the county in this state. Any such contract  
16 shall provide for all of the following:

17 (a) A termination date.

18 (b) A requirement that an equivalent agency or department to the department  
19 of corrections in the receiving state approve the jail or facility in the receiving county  
20 to receive prisoners from the county in this state.

21 (c) Provisions concerning the costs of prisoner maintenance, extraordinary  
22 medical and dental expenses, and any participation in or receipt by prisoners of  
23 rehabilitative or correctional services, facilities, programs, or treatment, including  
24 those costs not reasonably included as part of normal maintenance.

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1 (d) Provisions concerning any participation in programs of prisoner  
2 employment, if any, the disposition or crediting of any payments received by  
3 prisoners on account of employment, and the crediting of proceeds from or disposal  
4 of any products resulting from employment.

5 (e) Delivery and retaking of prisoners.

6 (f) Waiver of extradition by Wisconsin and the state to which the prisoners are  
7 transferred.

8 (g) Retention of jurisdiction of the prisoners transferred by Wisconsin.

9 (h) Regular reporting procedures concerning Wisconsin prisoners by officials  
10 of the receiving county.

11 (i) Provisions concerning procedures for probation, parole, extended  
12 supervision, and discharge.

13 (j) The same standards of reasonable and humane care as the prisoners would  
14 receive in an appropriate Wisconsin institution.

15 (k) Any other matters as are necessary and appropriate to fix the obligations,  
16 responsibilities and rights of the state of Wisconsin, the county within the state, and  
17 the receiving state and county.

18 **SECTION 3.** 800.095 (1) (b) 3. of the statutes is renumbered 800.095 (1) (b) 3. a.  
19 and amended to read:

20 800.095 (1) (b) 3. a. The Except as provided in subd. 3. b., the defendant shall  
21 be committed to a jail or a house of correction in the county in which the cause of  
22 action arose.

23 c. The defendant shall be eligible for privileges under s. 303.08. or a similar  
24 program in the other county if committed under subd. 3. b. The municipality shall  
25 pay the expenses incurred by the county to imprison the defendant.

