

2013 DRAFTING REQUEST

Bill

Received: 2/19/2014 Received By: phurley
Wanted: As time permits Same as LRB:
For: Sheila Harsdorf (608) 266-7745 By/Representing: Matt
May Contact: Drafter: phurley
Subject: Correctional System - jails Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Allow counties to send prisoners to adjoining county in another state

Instructions:

AB 615, but allow counties to do it, too.

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	chanaman 2/26/2014	kfollett 2/25/2014	jmurphy 2/25/2014	_____	rose 2/25/2014		State S&L
/1		kfollett 2/26/2014	rschluet 2/26/2014	_____	rose 2/26/2014	rose 2/26/2014	State S&L

FE Sent For:

→ A+ Intro.

<END>

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/P1	chanaman 2/26/2014	kfollett 2/25/2014	jmurphy 2/25/2014	_____	srose 2/25/2014		State S&L
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FE Sent For:

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/P1	phurley 2/24/2014	kfollett 2/25/2014	jmurphy 2/25/2014	_____	srose 2/25/2014		State S&L

FE Sent For: *1/15/14*
2/26 *[Signature]*
2/26/14
<END>

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Pre Topic:

No specific pre topic given

Topic:

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Instructions:

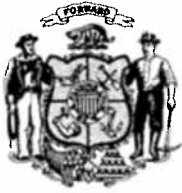
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/P1	phurley	1P1/GF 2/25	1P1/GF 2/25	_____	_____	_____	State S&L

FE Sent For:

<END>



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

4 2:26 am

Gen

- 1 **AN ACT ...; relating to:** allowing county and municipal prisoners to be imprisoned
- 2 in a bordering county within or outside of the state.

Analysis by the Legislative Reference Bureau

COUNTIES

X

Currently, counties may enter into cooperative agreements with other counties within the state regarding the building, maintenance, and use of the jails and rehabilitation facilities to detain prisoners before, during and after trial. Counties generally share expenses in accordance with the cooperative agreement, but the county where a prisoner would be detained without the cooperative agreement provides transportation of the prisoner to and from court or as otherwise needed. Under current law, only jails and rehabilitation facilities approved by the department of corrections (DOC) for the detention of prisoners may be used under the agreement.

X

Current law also allows DOC to enter into contracts with other states to send prisoners who are in DOC custody to the other states. Under current law, any contract allowing for the transfer of a prisoner to another state must contain certain provisions, including a termination date, provisions regarding the treatment, care, and transfer of prisoners, prisoner participation in employment programs, reporting requirements, and retention of jurisdiction in this state over prisoners transferred.

X

Under this bill, a county in this state may enter into an agreement with a receiving county outside of the state to pay the receiving county to detain or imprison county prisoners before, during, and after trial if the other county borders the county in which the prisoner would otherwise *be* detained or imprisoned, and the monthly

be

*
X expenses charged to the county in this state by the receiving county to detain or imprison the prisoner are at least 25 percent less than the monthly expenses charged by the county in this state. The bill sets forth certain provisions that any contract allowing a county to transfer a county prisoner to another state, which generally mirror the requirements for a contract allowing the transfer of a state prisoner to another state. Under the bill, any contract between a county in this state and a receiving county in another state must include a requirement that the department of corrections or its equivalent agency or department in the receiving state approve the jail or facility in the receiving county to receive prisoners from the county in this state.

MUNICIPALITIES

Currently, if a person fails to pay a monetary judgment ordered by a municipal court, the court may suspend the person's motor vehicle operating privilege for up to two years under certain conditions, order the assignment of up to 25 percent of the person's earnings or other money due to the person to pay the judgment, order that the person be imprisoned for up to 90 days, with each day resulting in a credit of at least \$50 of the unpaid judgment, or a combination of these remedies.

If the court orders that the person be imprisoned, the person is required to be committed to a jail or house of correction in the county in which the cause of action arose. Under this bill, if the court orders that the person be imprisoned, the person may be committed to a jail in a different county within or outside of the state if all of the following requirements are met:

1. The other county borders the county in which the cause of action arose.
2. The monthly expenses charged to the municipality by the other county to imprison the defendant are at least 25 percent less than the monthly expenses charged by the county in which the cause of action arose.
3. The other county agrees to having the defendant committed to a jail in that county.

anal: space → 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:

1 **SECTION 1.** 302.44 of the statutes is renumbered 302.44 (1) and amended to
2 read:

3 302.44 **Cooperation between counties regarding prisoners.** (1) Two or
4 more counties within the state may agree under s. 66.0301 for the cooperative
5 establishment and use of the jails and rehabilitation facilities of any of them for the
6 detention or imprisonment of prisoners before, during and after trial and for sharing

1 the expense without reference to s. 302.34. The sheriffs of the counties shall lodge
2 prisoners in any jail or rehabilitation facility authorized by the agreement and shall
3 endorse the commitment, if any, under s. 302.35 in case detention or imprisonment
4 is in the jail or rehabilitation facility of another county. Only jails and rehabilitation
5 facilities approved by the department for the detention of prisoners may be used
6 under the agreement. The sheriff of the county of arrest shall transport the prisoner
7 to and from court and to any other institution whenever necessary.

8 **History:** 1975 c. 94; 1983 a. 110; 1989 a. 31 s. 1668; Stats. 1989 s. 302.44; 1999 a. 150 s. 672. ✓

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 the department of corrections or its equivalent agency ✓
19 or department in the receiving state approve the jail or facility in the receiving
20 county 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.

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

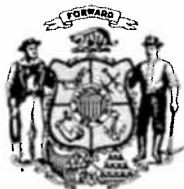
13 (j) The same standards of reasonable and humane care as the prisoners would
14 receive in an appropriate Wisconsin institution.

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.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*no
changes
new
place*

revised

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.

Analysis by the Legislative Reference Bureau

COUNTIES

Currently, counties may enter into cooperative agreements with other counties within the state regarding the building, maintenance, and use of the jails and rehabilitation facilities to detain prisoners before, during, and after trial. Counties generally share expenses in accordance with the cooperative agreement, but the county where a prisoner would be detained without the cooperative agreement provides transportation of the prisoner to and from court or as otherwise needed. Under current law, only jails and rehabilitation facilities approved by the Department of Corrections (DOC) for the detention of prisoners may be used under the agreement.

Current law also allows DOC to enter into contracts with other states to send prisoners who are in DOC custody to the other states. Under current law, any contract allowing for the transfer of a prisoner to another state must contain certain provisions, including a termination date, provisions regarding the treatment, care, and transfer of prisoners, prisoner participation in employment programs, reporting requirements, and retention of jurisdiction in this state over prisoners transferred.

Under this bill, a county in this state may enter into an agreement with a receiving county outside of the state to pay the receiving county to detain or imprison county prisoners before, during, and after trial if the other county borders the county in which the prisoner would otherwise be detained or imprisoned, and the monthly expenses charged to the county in this state by the receiving county to detain or imprison the prisoner are at least 25 percent less than the monthly expenses charged by the county in this state. The bill sets forth certain provisions that any contract allowing a county to transfer a county prisoner to another state, which generally mirror the requirements for a contract allowing the transfer of a state prisoner to another state. Under the bill, any contract between a county in this state and a receiving county in another state must include a requirement that the Department of Corrections or its equivalent agency or department in the receiving state approve the jail or facility in the receiving county to receive prisoners from the county in this state.

MUNICIPALITIES

Currently, if a person fails to pay a monetary judgment ordered by a municipal court, the court may suspend the person's motor vehicle operating privilege for up to two years under certain conditions, order the assignment of up to 25 percent of the person's earnings or other money due to the person to pay the judgment, order that the person be imprisoned for up to 90 days, with each day resulting in a credit of at least \$50 of the unpaid judgment, or a combination of these remedies.

If the court orders that the person be imprisoned, the person is required to be committed to a jail or house of correction in the county in which the cause of action arose. Under this bill, if the court orders that the person be imprisoned, the person may be committed to a jail in a different county within or outside of the state if all of the following requirements are met:

1. The other county borders the county in which the cause of action arose.
2. The monthly expenses charged to the municipality by the other county to imprison the defendant are at least 25 percent less than the monthly expenses charged by the county in which the cause of action arose.
3. The other county agrees to having the defendant committed to a jail in that county.

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:

1 SECTION 1. 302.44 of the statutes is renumbered 302.44 (1) and amended to
2 read:

1 302.44 (1) Two or more counties within the state may agree under s. 66.0301
2 for the cooperative establishment and use of the jails and rehabilitation facilities of
3 any of them for the detention or imprisonment of prisoners before, during and after
4 trial and for sharing the expense without reference to s. 302.34. The sheriffs of the
5 counties shall lodge prisoners in any jail or rehabilitation facility authorized by the
6 agreement and shall endorse the commitment, if any, under s. 302.35 in case
7 detention or imprisonment is in the jail or rehabilitation facility of another county.
8 Only jails and rehabilitation facilities approved by the department for the detention
9 of prisoners may be used under the agreement. The sheriff of the county of arrest
10 shall transport the prisoner to and from court and to any other institution whenever
11 necessary.

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

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

21 (a) A termination date.

22 (b) A requirement that the department of corrections or its equivalent agency
23 or department in the receiving state approve the jail or facility in the receiving
24 county to receive prisoners from the county in this state.

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

5 (d) Provisions concerning any participation in programs of prisoner
6 employment, if any, the disposition or crediting of any payments received by
7 prisoners on account of employment, and the crediting of proceeds from or disposal
8 of any products resulting from employment.

9 (e) Delivery and retaking of prisoners.

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

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

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

15 (i) Provisions concerning procedures for probation, parole, extended
16 supervision, and discharge.

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

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

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

Rose, Stefanie

From: Wuebke, Matt
Sent: Wednesday, February 26, 2014 1:39 PM
To: LRB.Legal
Subject: Draft Review: LRB -4304/1 Topic: Allow counties to send prisoners to adjoining county in another state

Please Jacket LRB -4304/1 for the SENATE.