



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 376
[2013 Senate Bill 648]

County and Municipal Prisoners

2013 Wisconsin Act 376 generally relates to allowing county and municipal prisoners to be imprisoned in a bordering county within or outside of Wisconsin.

County Prisoners

Wisconsin law allows counties to enter into cooperative agreements with other counties within the state regarding the building, maintenance, and the use of jails and rehabilitation facilities to detain prisoners before, during, and after trial. Wisconsin law also allows the Department of Corrections (DOC) to enter into contracts with other states to send prisoners who are in DOC custody to the other states. A 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 **the Act**, a county may enter into a contract with a bordering county in a different state to detain or imprison county prisoners if the monthly expenses charged by the receiving county to detain or imprison the prisoner are at least 25% less than the monthly expenses charged by the county in this state. The Act sets forth certain provisions that any contract allowing a county to transfer a county prisoner to another state must include. These requirements generally mirror the requirements for a contract allowing the transfer of a state prisoner to another state. Under the Act, any contract for sending prisoners to a county outside of Wisconsin must include a requirement that an equivalent agency or department to the DOC in the receiving state approve the facility in the receiving county to receive prisoners from the county sending prisoners from Wisconsin.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

Municipal Prisoners

Under **Wisconsin law**, a municipal court may order a person to be imprisoned for up to 90 days for failure to pay a monetary judgment. Under **prior law**, a municipal prisoner could only be imprisoned in the county jail, or house of corrections, in the county where the cause of action arose.

The Act allows a county to imprison a municipal prisoner in a jail in a different county within or outside of the state if all of the following requirements are met:

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

Effective date: The Act took effect on April 25, 2014.

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