

2015 DRAFTING REQUEST

Bill

Received: **9/18/2014** Received By: **chanaman**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Ley**
May Contact: Drafter: **chanaman**
Subject: **Correctional System - com crctns** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **sbostatlanguage@webapps.wi.gov**

Pre Topic:

DOA:.....Ley, BB0011 -

Topic:

Community corrections supervision fees

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 | chanaman 9/22/2014 | csicilia 9/24/2014 | jfrantze 9/24/2014 | _____ | sbasford 9/24/2014 | | |

FE Sent For:

<END>

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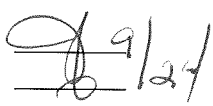
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|--------------|----------------|-----------------|----------------|--|------------------|-----------------|-----------------|
| /P1 | chanaman | P1 cjs 9/23/14 | P1 cjs 9/24/14 |  9/24 | | | |

FE Sent For:

<END>

Hanaman, Cathlene

From: Hanaman, Cathlene
Sent: Thursday, September 18, 2014 2:35 PM
To: Hurley, Peggy; Hanaman, Cathlene
Subject: FW: Statutory Language Drafting Request - BB0011
Attachments: DCC Supervision Fees.docx

From: Emily.Ley@wisconsin.gov [mailto:Emily.Ley@wisconsin.gov]
Sent: Thursday, September 18, 2014 2:26 PM
To: Hanaman, Cathlene
Cc: Frederick, Caitlin - DOA; Ley, Emily A - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0011

Biennial Budget: 2015-17

Topic: Community Corrections Supervision Fees

Tracking Code: BB0011

SBO Team: AEJ

SBO Analyst: Ley, Emily - DOA
Phone: 608-266-2213
E-mail: Emily.Ley@wisconsin.gov

Agency Acronym: DOC

Agency Number: 410

Priority: Medium

Intent: Modify statutes to provide DOC with the authority to charge an alternate community supervision fee structure and temporarily waive fees; eliminate DOC's requirement to promulgate rules setting the rates.

Attachments: True

Please send completed drafts to SBOStatlanguage@webapps.wi.gov

Department of Corrections
2015-17 Biennial Budget
Statutory Language Request

Topic: Department of Corrections (DOC) Community Corrections - Supervision Fee for persons on probation, parole, and extended supervision

Current Language

§304.074 Reimbursement fee for persons on probation, parole, and extended supervision.

(2) The department shall charge a fee to probationers, parolees, and persons on extended supervision to partially reimburse the department for the costs of providing supervision and services. The department shall set varying rates for probationers, parolees, or persons on extended supervision based on ability to pay and with the goal of receiving at least \$1 per day, if appropriate, from each probationer, parolee, and person on extended supervision. The department shall not charge a fee while the probationer, parolee, or person on extended supervision is exempt under sub. (3). The department shall collect moneys for the fees charged under this subsection and credit those moneys to the appropriation account under s. 20.410 (1) (gf).

(3) The department may decide not to charge a fee under sub. (2) to any probationer, parolee or person on extended supervision while he or she meets any of the following conditions:

- (a) Is unemployed.
- (b) Is pursuing a full-time course of instruction approved by the department.
- (c) Is undergoing treatment approved by the department and is unable to work.
- (d) Has a statement from a physician certifying to the department that the probationer, parolee or person on extended supervision should be excused from working for medical reasons.

(4m)

(a) If a probationer, parolee or person on extended supervision who owes unpaid fees to the department under sub. (2) is discharged from probation or from his or her sentence before the department collects the unpaid fees, the department shall, at the time of discharge, issue a notice to the probationer, parolee or person on extended supervision that states that he or she owes unpaid fees under sub. (2) and that he or she is responsible for the payment of the unpaid fees. The notice under this paragraph shall be issued with the certificate of discharge required under s. 304.078 or 973.09 (5).

(b) The department may request the attorney general to bring a civil action to recover unpaid fees owed to the department under sub. (2) by a person who has been discharged from probation or from his or her sentence and who, at the time of discharge, owed the department unpaid fees under sub. (2). Before requesting the attorney general to bring a civil action under this paragraph, the department shall deduct any fees owed to the department that were inaccurately assessed against the person.

(5) The department shall promulgate rules setting rates under sub. (2) and providing the procedure and timing for collecting fees charged under sub. (2).

Proposed Change

§304.074 Reimbursement fee for persons on probation, parole, and extended supervision.

(2) The department shall charge a reasonable fee as determined by the department to probationers, parolees, and persons on extended supervision to partially reimburse the department for the costs of providing supervision and services. ~~The department shall set varying rates for probationers, parolees, or persons on extended supervision based on ability to pay and with the goal of receiving at least \$1 per day, if appropriate, from each probationer, parolee, and person on extended supervision. The department shall not charge a fee while the probationer, parolee, or person on extended supervision is exempt under sub.~~
(3) The department shall collect moneys for the fees charged under this subsection and credit those moneys to the appropriation account under s. 20.410 (1) (gf).

(3) The department may also decide not to temporarily waive ~~charge a fee~~ under sub. (2) to ~~any probationer, parolee or person on extended supervision while he or she meets any of the following conditions~~ for a period of time for reasons established by department policy, such as unemployment, health or disability, or participation in educational or treatment related programming.

~~(a) Is unemployed.~~

~~(b) Is pursuing a full-time course of instruction approved by the department~~

~~(c) Is undergoing treatment approved by the department and is unable to work~~

~~(d) Has a statement from a physician certifying to the department that the probationer, parolee or person on extended supervision should be excused from working for medical reasons.~~

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(5) The department shall promulgate rules ~~setting rates under sub. (2)~~ and providing the procedure and timing for collecting fees charged under sub. (2).

Effect of the Change

This change would allow DOC to change to alternate fee structure with the intent to stabilize program revenue collections to be used in support of community supervision, thereby maintaining past legislative intent.

Rationale for the Change

Supervision fees are an important component of DOC's Division of Community Corrections' overall budget. Collections of those fees have decreased over the past few years, with the decrease being disproportionate to the decrease in offender population during this same period. The Department has identified that a prime reason for this decline is the restrictive language contained in the current statute governing supervision fees.

Current language limits the Department's ability to explore alternative fee structures in an effort to increase the annual amount of supervision fees paid and decrease the amount of supervision fees that are unpaid by offenders during their term of supervision. In addition to this statutory language change, DOC's Administrative Code would also need to be altered in order to give the Department flexibility because currently the fee schedule is in the administrative code.

| | |
|--------------------------------|----------------------|
| Desired Effective Date: | Upon Passage of Bill |
| Agency: | DOC |
| Agency Contact: | Emily Reilly |
| Phone: | 240-5413 |



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0202/P1

CMH:/:....

Ljs

DOA:.....Ley, BB0011 – Community corrections supervision fees

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

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1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

x 2 **SECTION 1.** 304.074 (2) of the statutes is amended to read:
3 304.074 (2) The department shall charge a reasonable fee as determined by the
4 department to probationers, parolees, and persons on extended supervision to
5 partially reimburse the department for the costs of providing supervision and
6 services. ~~The department shall set varying rates for probationers, parolees, or~~
7 ~~persons on extended supervision based on ability to pay and with the goal of receiving~~
8 ~~at least \$1 per day, if appropriate, from each probationer, parolee, and person on~~

1 ~~extended supervision. The department shall not charge a fee while the probationer,~~
2 ~~parolee, or person on extended supervision is exempt under sub. (3).~~ The department
3 shall collect moneys for the fees charged under this subsection and credit those
4 moneys to the appropriation account under s. 20.410 (1) (gf). ✓

< 5 History: 1995 a. 27; 1997 a. 27, 283; 2001 a. 109; 2003 a. 33.

SECTION 2. 304.074 (3) (intro.) of the statutes is renumbered 304.074 (3) and

6 amended to read:

7 304.074 (3) (intro.) The department may decide ~~not to charge~~ waive for a period
8 a fee under sub. (2) ~~to any probationer, parolee or person on extended supervision~~
9 ~~while he or she meets any of the following conditions:~~ for reasons established under
10 department policy, including if the person is unemployed, has a health issue or is
11 disabled, or is participating in education or treatment-related programming. ✓

λ 12 History: 1995 a. 27; 1997 a. 27, 283; 2001 a. 109; 2003 a. 33.

SECTION 3. 304.074 (3) (a), (b), (c) and (d) of the statutes are repealed.

λ 13 **SECTION 4.** 304.074 (5) of the statutes is amended to read:

14 304.074 (5) The department shall promulgate rules ~~setting rates under sub. (2)~~
15 and providing the procedure and timing for collecting fees charged under sub. (2).

16 History: 1995 a. 27; 1997 a. 27, 283; 2001 a. 109; 2003 a. 33.

(END) ✓



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0202/P1
CMH:cjs:jf

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12 **SECTION 3.** 304.074 (3) (a), (b), (c) and (d) of the statutes are repealed.

13 **SECTION 4.** 304.074 (5) of the statutes is amended to read:

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16 (END)