

**2015 DRAFTING REQUEST**

**Bill**

Received: 9/19/2014 Received By: eshea  
Wanted: As time permits Same as LRB:  
For: Administration-Budget 266-2213 By/Representing: Ley  
May Contact: Drafter: eshea  
Subject: Children - juvenile justice Addl. Drafters:  
Extra Copies:

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

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**Pre Topic:**

DOA:.....Ley, BB0008 -

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**Topic:**

Juvenile correctional facility daily rates

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**Instructions:**

See attached

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**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>
/?	eshea 9/23/2014	wjackson 9/25/2014		_____			
/P1			rschluet 9/25/2014	_____	mbarman 9/25/2014		State S&L

FE Sent For:

<END>

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/?	eshea 9/23/2014	wjackson /pl wly 9/24		==			

FE Sent For:

<END>

## Malaise, Gordon

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**From:** Hanaman, Cathlene  
**Sent:** Thursday, September 18, 2014 2:33 PM  
**To:** Malaise, Gordon; Shea, Elisabeth  
**Subject:** FW: Statutory Language Drafting Request - BB0008  
**Attachments:** DJC Daily Rates.docx

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**From:** Emily.Ley@wisconsin.gov [mailto:Emily.Ley@wisconsin.gov]  
**Sent:** Thursday, September 18, 2014 2:06 PM  
**To:** Hanaman, Cathlene  
**Cc:** Frederick, Caitlin - DOA; Ley, Emily A - DOA; Connor, Christopher B - DOA  
**Subject:** Statutory Language Drafting Request - BB0008

Biennial Budget: 2015-17

Topic: Juvenile Daily Rates

Tracking Code: BB0008

SBO Team: AEJ

SBO Analyst: Ley, Emily - DOA  
Phone: 608-266-2213  
E-mail: [Emily.Ley@wisconsin.gov](mailto:Emily.Ley@wisconsin.gov)

Agency Acronym: DOC

Agency Number: 410

Priority: Medium

Intent:

Update statutory dates and rates for the 15-17 biennium; update language to reflect modification in the daily rate add-on.

Attachments: True

Please send completed drafts to [SBOStatlanguage@webapps.wi.gov](mailto:SBOStatlanguage@webapps.wi.gov)

**DEPARTMENT OF CORRECTIONS**  
**2015-17 Biennial Budget**  
**Statutory Language Request**

**Topic:** Division of Juvenile Corrections Daily Rates

**Current Language**

Current language in §301.26(4) sets the statutory rates for juveniles in correctional facilities and in community corrections over the time period of the biennium.

Current language in §301.26(4)(cx) provides that the Type 1 juvenile correctional facility rate includes a \$17 daily rate add-on to eliminate the §20.410(3)(hm) deficit.

**Proposed Change**

Update the statutory dates and the rates calculated for the biennium. Additionally, update §301.26(4)(cx) language to reflect payoff of the deficit in appropriation §20.410(3)(hm) - Juvenile Correctional Services within 19 years by FY20.

§301.26(4)(d)2. Beginning on July 1, ~~2013~~ 2015, and ending on June 30, ~~2014~~ 2016, the per person daily cost assessment to counties shall be ~~\$294~~ \$279 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$294~~ \$279 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$125~~ \$132 for departmental corrective sanctions services and ~~\$41~~ \$48 for departmental aftercare services.

§301.26(4)(d)3. Beginning on July 1, ~~2014~~ 2016, and ending on June 30, ~~2015~~ 2017, the per person daily cost assessment to counties shall be ~~\$301~~ \$287 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$301~~ \$287 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$128~~ \$127 for departmental corrective sanctions services, and ~~\$41~~ \$49 for departmental aftercare services.

§301.26(4)(cx) If, notwithstanding ss. 16.50 (2), 16.52, 20.002 (11), and 20.903, there is a deficit in the appropriation account under s. 20.410 (3) (hm) at the close of a fiscal biennium, the governor shall, to address that deficit, increase each of the rates specified under s. 301.26 (4) (d) 2. and 3. for care in a Type 1 juvenile correctional institution and for care for juveniles transferred from a correctional institution by ~~\$17~~ \$6, in addition to any increase due to actual costs, in the executive budget bill for each fiscal biennium, until the deficit under s. 20.410 (3) (hm) is eliminated.

**Effect of the Change**

These changes will modify statutes to reflect requested juvenile and community corrections rates. Additionally, these changes will modify §301.26(4)(cx) to reflect a change in the payoff term of the juvenile correctional institution deficit by providing an \$11 reduction to the daily rate add-on.

**Rationale for the Change**

Rates reflecting the cost of care in juvenile correctional institutions and community corrections are set in statute and updated each biennium.

The §20.410(3)(hm) deficit has been paid off at an unanticipated rate with revenues exceeding expenditures from FY2012-14. Therefore, an \$11 decrease in the rate add-on is being requested to reduce the daily rate paid by counties for juvenile correctional institutions, while still paying off the deficit earlier than originally anticipated.

<b>Desired Effective Date:</b>	Upon Passage of Bill
<b>Agency:</b>	DOC
<b>Agency Contact:</b>	Robin Walrath
<b>Phone:</b>	240-5422



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0217/0 PI  
EHS:f:....

In 9/22/14

WJ RMNR

DOA:.....Ley, BB0008 – Juvenile correctional facility daily rates

**FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION**

Do Not Gen

1 AN ACT ..., relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**CORRECTIONAL SYSTEM ↓**

**JUVENILE CORRECTIONAL SYSTEM ↓**

Under current law relating to <sup>e must</sup> community youth and family aids, generally referred to as “youth aids,” DOC <sup>e must</sup> is required to allocate various state and federal moneys to counties to pay for state–provided juvenile correctional services and local delinquency–related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes (the “daily rate<sup>e</sup>”). Currently, the daily rate is ~~(\$304~~ <sup>e \$301</sup> for care in a Type 1 juvenile correctional facility, ~~\$304~~ <sup>e \$301</sup> for care for juveniles transferred from a juvenile correctional institution, \$128 for corrective sanctions services, and \$41 for departmental aftercare services. Under this bill, the daily rates are as follows:

1. For fiscal year 2015–16, the daily rate is \$279 for care in a Type 1 juvenile correctional facility, \$279 for care for juveniles transferred from a juvenile correctional institution, \$132 for corrective sanctions services, and \$48 for departmental aftercare services.

2. For fiscal year 2016–17, the daily rate is \$287 for care in a Type 1 juvenile correctional facility, \$287 for care for juveniles transferred from a juvenile correctional institution, \$127 for corrective sanctions services, and \$49 for departmental aftercare services.

Also under current law, if there is a deficit in the juvenile correctional services <sup>account</sup> appropriation at the close of a fiscal biennium, the governor <sup>e must</sup> is required to increase

each of the daily rates for care in a Type 1 juvenile correctional facility and for care for juveniles transferred from a juvenile correctional institution by \$17, in addition to any increase due to actual costs, in the executive budget bill for each fiscal biennium until the deficit is eliminated. This bill changes the amount by which the governor must increase the daily rates under these circumstances to \$6.

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

1           **SECTION 1.** 301.26 (4) (cx) of the statutes is amended to read:

2           301.26 (4) (cx) If, notwithstanding ss. 16.50 (2), 16.52, 20.002 (11), and 20.903,  
3 there is a deficit in the appropriation account under s. 20.410 (3) (hm) at the close  
4 of a fiscal biennium, the governor shall, to address that deficit, increase each of the  
5 rates specified under s. 301.26 (4) (d) 2. and 3. for care in a Type 1 juvenile  
6 correctional ~~institution~~ facility and for care for juveniles transferred from a  
7 correctional institution by ~~\$17~~ \$6, in addition to any increase due to actual costs, in  
8 the executive budget bill for each fiscal biennium, until the deficit under s. 20.410  
9 (3) (hm) is eliminated.

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32; 2013 a. 20, 334.

10           **SECTION 2.** 301.26 (4) (d) 2. of the statutes is amended to read:

11           301.26 (4) (d) 2. Beginning on July 1, ~~2013~~ 2015, and ending on June 30, ~~2014~~  
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No  
Strike

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(END)





State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0217/P1  
EHS:wlj:rs

DOA:.....Ley, BB0008 – Juvenile correctional facility daily rates

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

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

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**CORRECTIONAL SYSTEM**

**JUVENILE CORRECTIONAL SYSTEM**

Under current law relating to community youth and family aids, generally referred to as “youth aids,” DOC must allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes (daily rates). Currently, the daily rate is \$301 for care in a Type 1 juvenile correctional facility, \$301 for care for juveniles transferred from a juvenile correctional institution, \$128 for corrective sanctions services, and \$41 for departmental aftercare services. Under this bill, the daily rates are as follows:

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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