AN ACT to renumber and amend 304.074 (2); to amend 20.410 (1) (gf) and 302.33 (2) (a) 3.; and to create 20.410 (1) (gg) and 304.074 (2) (b) of the statutes; relating to: reimbursement of counties for probationers, parolees, and persons on extended supervision who are placed with the county pending disposition of revocation proceedings.

Analysis by the Legislative Reference Bureau

Under this bill, each probationer, parolee, and person on extended supervision is charged a $3 monthly fee to help reimburse each county for costs it incurred while holding an individual pending the disposition of a probation, parole, or extended supervision revocation proceeding. Under current law, counties are reimbursed at the rate of $40 per person per day unless the amount allocated for reimbursement is insufficient in which case the Department of Corrections (DOC) must prorate the payments. Under this bill, the reimbursement rate remains the same but DOC must use first the proceeds from the new fee and then the account under current law and prorate the payments only if those amounts are insufficient.

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:
SECTION 1. 20.410 (1) (gf) of the statutes is amended to read:

20.410 (1) (gf) Probation, parole, and extended supervision. The amounts in the schedule for probation, parole, and extended supervision. All moneys received from vendors under s. 301.08 (1) (c) 4. and from fees charged under s. 304.074 (2) (a) shall be credited to this appropriation account.

SECTION 2. 20.410 (1) (gg) of the statutes is created to read:

20.410 (1) (gg) Reimbursement to counties for probation, parole, and extended supervision holds. All moneys received from fees under s. 304.074 (2) (b) to partially reimburse counties, as provided under s. 302.33 (2), for the maintenance of persons who are placed in the county jail or other county facility, or in a tribal jail under s. 302.445, pending disposition of probation, parole, or extended supervision revocation proceedings.

SECTION 3. 302.33 (2) (a) 3. of the statutes is amended to read:

302.33 (2) (a) 3. After verification by the department, it shall reimburse the county or tribal governing body at a rate of $36 per person per day prior to January 1, 1993, and $40 per person per day thereafter, subject to the conditions in subds. 1. and 2. Any amount not paid under s. 20.410 (1) (gg) shall be paid under s. 20.410 (1) (bn). If the amount provided under s. 20.410 (1) (bn) for any fiscal year is insufficient to provide the complete balance of the reimbursement at that rate, the department shall prorate the payments under this subdivision to counties or tribal governing bodies for that fiscal year. The department shall not reimburse a county or tribal governing body unless that county or tribal governing body informs the department of the amount of reimbursement to which it is entitled under this subsection no later than September 1 of the fiscal year following the fiscal year for which reimbursement is requested.
SECTION 4. 304.074 (2) of the statutes, as affected by 2015 Wisconsin Act 55, is renumbered 304.074 (2) (intro.) and amended to read:

304.074 (2) (intro.) The department shall charge a reasonable fee as determined by the department to probationers, parolees, and persons on extended supervision the following fees:

(a) A reasonable fee, as determined by the department, to partially reimburse the department for the costs of providing supervision and services. The department shall collect moneys for the fees charged under this subsection paragraph and credit those moneys to the appropriation account under s. 20.410 (1) (gf).

SECTION 5. 304.074 (2) (b) of the statutes is created to read:

304.074 (2) (b) A monthly reimbursement fee of $3 to partially reimburse counties for costs as provided under s. 302.33 (2) (a). The department shall collect moneys for the fees charged under this paragraph and credit those moneys to the appropriation account under s. 20.410 (1) (gg).

SECTION 6. Effective date.

(1) This act takes effect on the first day of the 5th month beginning after publication.