

2017 DRAFTING REQUEST

Bill

For: **Evan Goyke (608) 266-0645** Drafter: **ewheeler**

By: **Ryan** Secondary Drafters:

Date: **11/7/2017** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Goyke@legis.wisconsin.gov**
 Carbon copy (CC) to: **Elizabeth.Wheeler@legis.wisconsin.gov**
elisabeth.shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Close Lincoln Hills and establish regional risk and need-based juvenile facilities

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|------------------------|-----------------------|-----------------------|-----------------|
| /? | ewheeler 11/9/2017 | anienaja 11/9/2017 | | | |
| /P1 | ewheeler 11/16/2017 | anienaja 11/16/2017 | lparisi 11/9/2017 | | State |
| /P2 | | | dwalker 11/16/2017 | | State |
| /1 | | | dwalker 11/17/2017 | dwalker 11/17/2017 | State |

FE Sent For: *2*
at
intro

<END>

Wheeler, Elizabeth

From: Knocke, Ryan
Sent: Monday, November 06, 2017 3:10 PM
To: Shea, Elisabeth
Cc: Wheeler, Elizabeth
Subject: RE: Rep. Goyke Bill Drafting Requests Re: Corrections

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you very much. I spoke with Rep. Goyke and he said to please keep items 1 and 2 as a single bill. Within the draft, please word to the best of your ability that Lincoln Hills will not be opened as an adult treatment center until the regionalized facilities are constructed and ready to receive the juveniles.

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645

From: Shea, Elisabeth
Sent: Friday, November 03, 2017 4:55 PM
To: Knocke, Ryan <Ryan.Knocke@legis.wisconsin.gov>
Cc: Wheeler, Elizabeth <Elisabeth.Wheeler@legis.wisconsin.gov>
Subject: RE: Rep. Goyke Bill Drafting Requests Re: Corrections

Hi Ryan,

Do you want items 1 and 2 as a single bill draft? If not, then we may need to fill in some details regarding where the juveniles currently in Lincoln Hills/Copper Lake should be placed, as there are no other juvenile correctional facilities in the state.

Lis

Elisabeth H. Shea
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266 - 5446
elisabeth.shea@legis.wisconsin.gov

The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: Hanaman, Cathlene
Sent: Friday, November 03, 2017 10:40 AM

To: Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>; Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Subject: FW: Rep. Goyke Bill Drafting Requests Re: Corrections

I think the first two belong to you two. Let me know if I am wrong.

#3 is me.

From: Knocke, Ryan

Sent: Friday, November 03, 2017 10:38 AM

To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>

Subject: Rep. Goyke Bill Drafting Requests Re: Corrections

Cathlene-

I hope you are well.

Rep. Goyke has asked that I forward to you the drafting instructions below for 2 new bills and a /p2 of one already drafted. I have attached that draft for reference.

Please let me know if you have any questions for Rep. Goyke. I know he is looking for these ASAP.

Thank you again for all of your help and All the best.

- Ryan

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645

1) Close Lincoln Hills/Copper Lake and repurpose as Adult Treatment facility

a. This bill would direct the Department of Corrections to end the operation of Lincoln Hills/Copper Lake as a juvenile facility and repurpose the institution to house Adult male inmates and operate programming that will qualify for Wisconsin's Earned Release program under Wis. Stat. 302.05

b. The bill would direct the DOC, along with the Department of Administration, to negotiate any necessary real estate contracts and/or local government agreements with Lincoln County for the purposes of transitioning the property from a juvenile institution to an adult institution *301.235?*

c. The bill would provide a sum sufficient appropriation to effectuate the necessary real estate, local government contract, and capital improvements that may be incurred during the transition from a juvenile to an adult institution

2) Establish regional and risk and need based juvenile facilities throughout Wisconsin

a. This bill would require the DOC to open six to ten type-one juvenile facilities throughout Wisconsin. Under this proposal, the DOC would develop facilities with consideration of need based on region so as to allow Wisconsin's juvenile incarcerated population be incarcerated as near to the home county as possible

- b. This bill would further require the DOC to design juvenile facilities that would accommodate high, medium, and low risk populations. The design of the system of facilities would allow juvenile inmates to be placed and moved within risk level if warranted based on risk and behavior within the institution
- c. Under this bill, the ratio of staff to inmate may not exceed 16 to 1 and should be designed to be no more than 8 to 1. The facilities would not exceed 36 inmates, with no more than 24 for high security facilities.
- d. Under this bill, the GROW Academy may be considered a juvenile institution

3) Revocation reform – First Re-Draft Attached

a. Redraft of 2015 AB 1002 needs the following changes:

ii. <http://www.legislature.mi.gov/documents/2017-2018/publicact/pdf/2017-PA-0009.pdf>

iii. I'd like to amend our bill to match the Michigan act. I believe this will require the following changes to our redraft:

- 1. 90 days in our bill should be lower to 30
- 2. Add the maximum of 3 technical violations, but add that each technical violation must be an independent violation
- 3. There may be a few additional pieces that I'm missing

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4783/jdn
EAW:... *ann*

-Date-

Dear Representative Goyke:

1. Your drafting instructions indicated that you wanted the bill to direct the Department of Corrections, along with the Department of Administration, to negotiate any real estate contracts and/or local government agreements with Lincoln County for the purposes of transitioning the property from a juvenile institution to an adult institution. The Department of Administration has general contracting and engineering authority, found under subchapter V of chapter 16 of the statutes, which would allow DOC and DOA to negotiate the necessary contracts for the conversion of Lincoln Hills to an adult treatment facility. If there is something specific that you are concerned is not covered by the general authority that you would like in the bill, please let me know.

2. Your drafting instructions indicate a desire to provide a sum sufficient appropriation for the conversion of Lincoln Hills. DOC has a sum sufficient appropriation to acquire, construct, develop, enlarge, or improve adult and juvenile correctional facilities under s. 20.866 (2) (ux) and (uz) of the statutes. Therefore, I did not include a separate sum sufficient appropriation in this draft.

3. Your instructions state a required 1 to 16 staff to juvenile ratio at the juvenile correctional facilities, with a suggested design to be no more than 1 to 8. However, the federal Prison Rape Elimination Act (PREA) requires a 1 to 8 ratio during waking hours and 1 to 16 ratio during sleeping hours, so I inserted those as the ratio requirements. Please let me know if this is not your intent.

4. The construction or conversion of any particular building or facility is subject to approval of the building commission under s. 301.19 (2).

Please feel free to contact me with any questions or concerns.

Elizabeth Wheeler
Legislative Attorney
(608) 261-5543
Elizabeth.Wheeler@legis.wisconsin.gov

font size ↘



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4783/P1
EAW... Ann

TODAY - 11/8

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓
Xref ✓
Pwf ✓

d-note

Gen!

1 AN ACT ...; relating to: establishing regional Type 1 juvenile correctional
2 facilities and converting Lincoln Hills to an adult correctional facility.

Analysis by the Legislative Reference Bureau

This bill requires the conversion of the existing Type 1 juvenile correctional facilities currently known as the Lincoln Hills School for Boys and Copper Lake School for girls to a correctional treatment facility for adults in the earned release program, to be operated by the Department of Corrections. The bill also requires DOC to establish and operate between six and ten regional Type 1 juvenile correctional facilities in the state. *

For further information see the **state** 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:

3 SECTION 1. 16.99 (3b) of the statutes is amended to read:
4 X16.99 (3b) "Juvenile correctional facility" means the Copper Lake School and
5 the Lincoln Hills School a Type 1 juvenile correctional facility, as defined in s. 938.02
6 (19), but does not include the Mendota juvenile treatment center under s. 46.057.

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SECTION 2. 301.01 (5m) of the statutes is created to read:

301.01 (5m) "Type 1 juvenile correctional facility" has the meaning given in s. 938.02 (19).

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SECTION 3. 301.16 (1f) of the statutes is created to read:

301.16 (1f) In addition to the institutions under sub. (1), and subject to 2017 Wisconsin Act ... (this act), section 9 (1) (b), the department shall establish and operate a correctional treatment facility for the treatment of substance abuse for inmates in the program established under s. 302.05 in the town of Irma, Lincoln County, at the location that was the Lincoln Hills School for Boys and Copper Lake School for Girls. This subsection constitutes enumeration in the authorized state building program for purposes of s. 20.924.

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SECTION 4. 301.16 (1w) of the statutes is created to read:

301.16 (1w) (a) The department shall establish and operate no fewer than 6 and no more than 10 regional Type 1 juvenile correctional facilities. In establishing the facilities under this subsection, the department shall consider the distribution and density of the population historically served by Type 1 juvenile correctional facilities in the state. Each Type 1 juvenile correctional facility established under this subsection shall do all of the following:

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1. Be designed to accommodate low, medium, and high-risk juveniles.
2. Hold not more than 36 juveniles, and not more than 24 high-risk juveniles.
3. Maintain a minimum staff-to-juvenile ratio of 1 to 8 during waking hours and 1 to 16 during resident sleeping hours.

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(b) The department may designate the Grow Academy in Dane County as a Type 1 juvenile correctional facility under this section.

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SECTION 5. 301.16 (1x) of the statutes is amended to read:

1 ~~301.16 (1x)~~ Inmates from the Wisconsin state prisons may be transferred to the
 2 institutions under this section, other than a Type 1 juvenile correctional facility
 3 established under sub. (1w), and they shall be subject to all laws pertaining to
 4 inmates of other penal institutions of this state. Officers and employees of the
 5 institutions shall be subject to the same laws as pertain to other penal institutions.
 6 Inmates shall not be received on direct commitment from the courts.

History: 1979 c. 221; 1981 c. 20, 317, 387; 1983 a. 16; 1983 a. 27 ss. 953p, 953r, 2200 (15); 1985 a. 29; 1987 a. 5; 1989 a. 31 ss. 964, 964m; Stats. 1989 s. 301.16; 1991 a. 39; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16, 103; 2003 a. 33 ss. 2489 to 2490d, 2807, 9160; 2015 a. 55; 2017 a. 59.

7 **SECTION 6.** 301.18 (1) (fm) of the statutes is created to read:

8 ~~301.18 (1)~~ (fm) Provide the facilities necessary for any Type 1 juvenile
 9 correctional facility that is established by the department under s. 301.16 (1w).

10 **SECTION 7.** 301.20 of the statutes is repealed.

11 **SECTION 8.** 302.01 (13) of the statutes is created to read:

12 302.01 (13) The treatment facility established under s. 301.16 (1f) is named
 13 "Lincoln Hills Correctional Institution."

14 **SECTION 9. Nonstatutory provisions.**

15 (1) TRANSFER OF INMATES AND CLOSURE OF LINCOLN HILLS SCHOOL FOR ~~BOYS~~ AND
 16 COPPER LAKE SCHOOL FOR ~~GIRLS~~.

17 (a) *Transfer of inmates.* Upon the establishment of the regional Type 1 juvenile
 18 correctional facilities under section 301.16 (1w) of the statutes, the department of
 19 corrections shall transfer all of the juveniles held in secure custody at the Lincoln
 20 Hills School for ~~Boys~~ and Copper Lake School for girls to the appropriate regional
 21 Type 1 juvenile correctional facility.

22 (b) *Closure of facilities.* As soon as possible after the transfer of inmates under
 23 par. (a), the department of corrections shall permanently close the Type 1 juvenile

par. (a)

Paragraph
antwerp

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correctional facilities housed at the Lincoln Hills School for ~~Boys~~ and Copper Lake
School for ~~Girls~~ in the town of Irma, Lincoln County.

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(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4783/P1dn
EAW:amn

November 9, 2017

Dear Representative Goyke:

1. Your drafting instructions indicated that you wanted the bill to direct the Department of Corrections, along with the Department of Administration, to negotiate any real estate contracts and/or local government agreements with Lincoln County for the purposes of transitioning the property from a juvenile institution to an adult institution. The Department of Administration has general contracting and engineering authority, found under subchapter V of chapter 16 of the statutes, which would allow DOC and DOA to negotiate the necessary contracts for the conversion of Lincoln Hills to an adult treatment facility. If there is something specific that you are concerned is not covered by the general authority that you would like in the bill, please let me know.
2. Your drafting instructions indicate a desire to provide a sum sufficient appropriation for the conversion of Lincoln Hills. DOC has sum sufficient appropriations to acquire, construct, develop, enlarge, or improve adult and juvenile correctional facilities under s. 20.866 (2) (ux) and (uz) of the statutes. Therefore, I did not include a separate sum sufficient appropriation in this draft.
3. Your instructions state a required 1 to 16 staff to juvenile ratio at the juvenile correctional facilities, with a suggested design to be no more than 1 to 8. However, the federal Prison Rape Elimination Act (PREA) requires a 1 to 8 ratio during waking hours and 1 to 16 ratio during sleeping hours, so I inserted those as the ratio requirements. Please let me know if this is not your intent.
4. The construction or conversion of any particular building or facility is subject to approval of the building commission under s. 301.19 (2).

Please feel free to contact me with any questions or concerns.

Elizabeth Wheeler
Legislative Attorney
(608) 261-5543
Elizabeth.Wheeler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4783/P2dn

??dn

EAW:amn

-Date-

Deu
Representative Goyke ^(A)

This draft incorporates the language we discussed requiring the Department of Corrections to submit a feasibility report and plan for the conversion of Lincoln Hills to an adult treatment center. As a placeholder, I gave DOC six months from bill passage to submit the report. Please let me know if you would like a different timeline.

Elizabeth Wheeler
Legislative Attorney
(608) 261-5543
Elizabeth.Wheeler@legis.wisconsin.gov



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4783/PI P2
EAW:amn

11/16 or 11/17

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓

Insert
D-note

Regen ✓

1 AN ACT to repeal 301.20; to amend 16.99 (3b) and 301.16 (1x); and to create
2 301.01 (4m), 301.16 (1f), 301.16 (1w), 301.18 (1) (fm) and 302.01 (13) of the
3 statutes; relating to: establishing regional Type 1 juvenile correctional
4 facilities and converting Lincoln Hills to an adult correctional facility.

~~the Department of Corrections~~ ~~DOC to close~~ ~~to the Joint Committee on Finance~~
and report on the feasibility of converting these facilities

Analysis by the Legislative Reference Bureau

This bill requires the conversion of the existing Type 1 juvenile correctional facilities currently known as the Lincoln Hills School for boys and Copper Lake School for girls to a correctional treatment facility for adults in the earned release program, to be operated by the Department of Corrections. The bill also requires DOC to establish and operate between six and ten regional Type 1 juvenile correctional facilities in the state.

For further information see the *state* 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:

5 SECTION 1. 16.99 (3b) of the statutes is amended to read:

If JCF finds that the conversion is feasible, DOC is required to submit plans for the conversion to the Building Commission for approval.

1 16.99 (3b) "Juvenile correctional facility" means the Copper Lake School and
2 the Lincoln Hills School a Type 1 juvenile correctional facility, as defined in s. 938.02
3 ~~(19), but does not include the Mendota juvenile treatment center under s. 46.057.~~

4 **SECTION 2.** 301.01 (4m) of the statutes is created to read:

5 301.01 (4m) "Type 1 juvenile correctional facility" has the meaning given in s.
6 938.02 (19).

7 **SECTION 3.** 301.16 (1f) of the statutes is created to read:

8 301.16 (1f) In addition to the institutions under sub. (1), and subject to 2017
9 Wisconsin Act ... (this act), section 9 (1) (b), ^{and (2)} the department ^{of} ~~shall~~ ^{may} establish and
10 operate a correctional treatment facility for the treatment of substance abuse for
11 inmates in the program established under s. 302.05 in the town of Irma, Lincoln
12 County, at the location that was the Lincoln Hills School for boys and Copper Lake
13 School for girls. This subsection constitutes enumeration in the authorized state
14 building program for purposes of s. 20.924.

15 **SECTION 4.** 301.16 (1w) of the statutes is created to read:

16 301.16 (1w) (a) The department shall establish and operate no fewer than 6
17 and no more than 10 regional Type 1 juvenile correctional facilities. In establishing
18 the facilities under this subsection, the department shall consider the distribution
19 and density of the population historically served by Type 1 juvenile correctional
20 facilities in the state. Each Type 1 juvenile correctional facility established under
21 this subsection shall do all of the following:

- 22 1. Be designed to accommodate low-, medium-, and high-risk juveniles.
23 2. Hold not more than 36 juveniles, and not more than 24 high-risk juveniles.
24 3. Maintain a minimum staff-to-juvenile ratio of 1 to 8 during waking hours
25 and 1 to 16 during resident sleeping hours.

1 (b) The department may designate the Grow Academy in Dane County as a
2 Type 1 juvenile correctional facility under this section.

3 **SECTION 5.** 301.16 (1x) of the statutes is amended to read:

4 301.16 (1x) Inmates from the Wisconsin state prisons may be transferred to the
5 institutions under this section, other than a Type 1 juvenile correctional facility
6 established under sub. (1w), and they shall be subject to all laws pertaining to
7 inmates of other penal institutions of this state. Officers and employees of the
8 institutions shall be subject to the same laws as pertain to other penal institutions.
9 Inmates shall not be received on direct commitment from the courts.

10 **SECTION 6.** 301.18 (1) (fm) of the statutes is created to read:

11 301.18 (1) (fm) Provide the facilities necessary for any Type 1 juvenile
12 correctional facility that is established by the department under s. 301.16 (1w).

13 **SECTION 7.** 301.20 of the statutes is repealed.

14 **SECTION 8.** 302.01 (13) of the statutes is created to read:

15 302.01 (13) The treatment facility established under s. 301.16 (1f) is named
16 "Lincoln Hills Correctional Institution."

17 **SECTION 9. Nonstatutory provisions.**

18 (1) TRANSFER OF INMATES AND CLOSURE OF LINCOLN HILLS SCHOOL FOR BOYS AND
19 COPPER LAKE SCHOOL FOR GIRLS.

20 (a) *Transfer of inmates.* Upon the establishment of the regional Type 1 juvenile
21 correctional facilities under section 301.16 (1w) of the statutes, the department of
22 corrections shall transfer all of the juveniles held in secure custody at the Lincoln
23 Hills School for boys and Copper Lake School for girls to the appropriate regional
24 Type 1 juvenile correctional facility.

1 (b) *Closure of facilities.* As soon as possible after the transfer of inmates under
2 paragraph (a), the department of corrections shall permanently close the Type 1
3 juvenile correctional facilities housed at the Lincoln Hills School for boys and Copper
4 Lake School for girls in the town of Irma, Lincoln County.

5

(END)

INS 4-5

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4783/P1ins
EAW:amn

INS 4-5

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~~(2) CONVERSION OF STATE CORRECTIONAL FACILITIES. No later than the first day~~
of the ^{6th} ~~sixth~~ ^{beginning} month after the effective date of this subsection, the department of
corrections shall submit to the joint committee on finance for approval a report on
the feasibility of, and, if applicable, a plan for converting the facilities at the Lincoln
Hills School for boys and Copper Lake School for girls to a ^{adult} ~~correctional~~ treatment
facility under section ~~301.16~~ ^{301.19} (1f) of the statutes. If the joint committee on finance
approves the feasibility report and conversion plan under this subsection, the
department of corrections shall submit the conversion plan to the building
commission for approval under section 301.19 of the statutes.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4783/P2dn
EAW:amn

November 16, 2017

Dear Representative Goyke,

This draft incorporates the language we discussed requiring the Department of Corrections to submit a feasibility report and plan for the conversion of Lincoln Hills to an adult treatment center. As a placeholder, I gave DOC six months from bill passage to submit the report. Please let me know if you would like a different timeline.

Elizabeth Wheeler
Legislative Attorney
(608) 261-5543
Elizabeth.Wheeler@legis.wisconsin.gov



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4783/P2 / /
EAW:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

NO
CHANGES

1 AN ACT *to repeal* 301.20; *to amend* 16.99 (3b) and 301.16 (1x); and *to create*
2 301.01 (4m), 301.16 (1f), 301.16 (1w), 301.18 (1) (fm) and 302.01 (13) of the
3 statutes; **relating to:** establishing regional Type 1 juvenile correctional
4 facilities and converting Lincoln Hills to an adult correctional facility.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Corrections to close the Type 1 juvenile correctional facilities currently known as the Lincoln Hills School for boys and Copper Lake School for girls and report to the Joint Committee on Finance on the feasibility of converting these facilities to a correctional treatment facility for adults in the earned release program. If JCF finds that the conversion is feasible, DOC is required to submit plans for the conversion to the Building Commission for approval. The bill also requires DOC to establish and operate between six and ten regional Type 1 juvenile correctional facilities in the state.

For further information see the *state* 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:

5 SECTION 1. 16.99 (3b) of the statutes is amended to read:

Kreye, Joseph

From: Walker, Dan
Sent: Friday, November 17, 2017 3:35 PM
To: Kreye, Joseph
Subject: FW: Draft review: LRB -4783/P2
Attachments: 17-4783/P2.pdf; DraftersNote1.pdf

Hi Joe, this looks like another request like the one you brought out, would you mind redrafting this one as well?

Thanks,

Dan

From: Knocke, Ryan
Sent: Friday, November 17, 2017 3:28 PM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: FW: Draft review: LRB -4783/P2

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645

From: Knocke, Ryan
Sent: Friday, November 17, 2017 2:22 PM
To: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Subject: FW: Draft review: LRB -4783/P2

Thank you for your work on this. Could this be turned into a /1 and jacketed?

Thank you!

- Ryan

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645

From: LRB.Legal
Sent: Thursday, November 16, 2017 4:23 PM
To: Rep.Goyke <Rep.Goyke@legis.wisconsin.gov>
Subject: Draft review: LRB -4783/P2

Following is the PDF version of draft LRB -4783/P2 and drafter's note.