AN ACT to amend 20.410 (1) (a), 20.410 (1) (ab), 302.05 (title), 302.05 (1) (am) (intro.), 302.05 (1) (b), 302.05 (2), 302.05 (3) (b), 302.05 (3) (c) 2. (intro.) and 302.05 (3) (d); and to create 20.410 (1) (ki), 302.05 (1) (c) and 302.05 (4) of the statutes; relating to: earned release upon the completion of a training program, reporting on the aging and elderly prison population, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill adds inmates who complete a vocational readiness training program while incarcerated to the earned release program. Under current law, if an eligible inmate successfully completes a substance abuse treatment program, the inmate becomes eligible for parole or release to extended supervision regardless of the time the inmate has served. Under the bill, an inmate may become eligible for parole or release to extended supervision regardless of the time the inmate has served if, while incarcerated, he or she successfully completes an educational, vocational, treatment, or other qualifying training program that is evidence-based to reduce recidivism. Under the bill, an inmate may qualify to participate in the earned release program if he or she is incarcerated for a crime other than a violent crime and if the Department of Corrections or the sentencing court determines that the inmate is eligible.

This bill requires DOC to prepare an annual report on the program, including data on participation and rates of recidivism of participants and the cost savings that
resulted from the program. Under the bill, DOC is required to use the cost savings to fund educational, vocational, treatment, or other qualifying programs.

This bill also requires DOC to prepare a report on the aging and elderly population in Wisconsin’s prisons and to evaluate possible options for alternatives to prison for that population.

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:

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

20.410 (1) (a) General program operations. The amounts in the schedule to operate institutions and provide field services and administrative services. No payments may be made under this paragraph for payments in accordance with other states party to the interstate corrections compact under s. 302.25. Annually, there is transferred from this appropriation account to the appropriation account under par. (ki) the cost savings reported under s. 302.05 (4) (b) 4.

SECTION 2. 20.410 (1) (ab) of the statutes is amended to read:

20.410 (1) (ab) Corrections contracts and agreements. The amounts in the schedule for payments made in accordance with contracts entered into under ss. 301.21, 302.25, and 302.27 (1), contracts entered into with the federal government under 18 USC 5003, and intra-agency agreements relating to the placement of prisoners. Annually, there is transferred from this appropriation account to the appropriation account under par. (ki) the cost savings reported under s. 302.05 (4) (b) 4.

SECTION 3. 20.410 (1) (ki) of the statutes is created to read:
20.410 (1) (ki) *Training programs for inmates.* All moneys transferred from the appropriation accounts under pars. (a) and (ab) to provide vocational readiness training programs that qualify for the earned release program under s. 302.05.

**SECTION 4.** 302.05 (title) of the statutes is amended to read:

302.05 (title) **Wisconsin substance abuse program earned release program.**

**SECTION 5.** 302.05 (1) (am) (intro.) of the statutes is amended to read:

302.05 (1) (am) (intro.) The department of corrections and the department of health services may designate a section of a mental health institute as a correctional treatment facility for the treatment of substance abuse use disorder of inmates transferred from Wisconsin state prisons. This section shall be administered by the department of corrections and shall be known as the Wisconsin substance abuse program. The department of corrections and the department of health services shall ensure that the residents at the institution and the residents in the substance abuse use disorder program:

**SECTION 6.** 302.05 (1) (b) of the statutes is amended to read:

302.05 (1) (b) The department of corrections and the department of health services shall, at any correctional facility the departments determine is appropriate, provide a substance abuse use disorder treatment program for inmates for the purposes of the program described in sub. (3).

**SECTION 7.** 302.05 (1) (c) of the statutes is created to read:

302.05 (1) (c) 1. In this paragraph, “vocational readiness training program” means an educational, vocational, treatment, or other evidence-based training program to reduce recidivism.
2. The department shall, at any correctional facility the department determines is appropriate, provide vocational readiness training programs for the purposes of the program described in sub. (3).

SECTION 8. 302.05 (2) of the statutes is amended to read:

302.05 (2) Transfer to a correctional treatment facility for the treatment of substance abuse use disorder shall be considered a transfer under s. 302.18.

SECTION 9. 302.05 (3) (b) of the statutes is amended to read:

302.05 (3) (b) Except as provided in par. (d), if the department determines that an eligible inmate serving a sentence other than one imposed under s. 973.01 has successfully completed a substance use disorder treatment program described in sub. (1) (b) or a vocational readiness training program described in sub. (1) (c), the parole commission shall parole the inmate for that sentence under s. 304.06, regardless of the time the inmate has served. If the parole commission grants parole under this paragraph for the completion of a substance use disorder treatment program, it shall require the parolee to participate in an intensive supervision program for drug abusers as a condition of parole.

SECTION 10. 302.05 (3) (c) 2. (intro.) of the statutes is amended to read:

302.05 (3) (c) 2. (intro.) Upon being informed by the department under subd. 1. that an inmate whom the court sentenced under s. 973.01 has successfully completed a substance use disorder treatment program described in sub. (1) (b) or a vocational readiness training program described in sub. (1) (c), the court shall modify the inmate’s bifurcated sentence as follows:

SECTION 11. 302.05 (3) (d) of the statutes is amended to read:
302.05 (3) (d) The department may place intensive sanctions program participants in a treatment program described in sub. (1) (b), but pars. (b) and (c) do not apply to those participants.

**SECTION 12.** 302.05 (4) of the statutes is created to read:

302.05 (4) (a) In this subsection, “recidivism” means any of the following:

1. A return to prison upon revocation of extended supervision, parole, or probation.

2. A conviction for a crime that was committed within 3 years of release from confinement.

(b) No later than June 15 of each year, the department shall submit a report on participation in vocational readiness training programs qualifying for earned release under sub. (3) to the governor, the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3), and the director of state courts. The report shall include all of the following data:

1. A list of available vocational readiness training programs and the number of participants in each vocational readiness training program.

2. The number of eligible inmates who are on the wait list for participation in a vocational readiness training program, and the department’s methodology for selecting participants from the wait list.

3. The rate of recidivism among individuals who earned release through completion of a vocational readiness training program, and whether the recidivism event was return to prison upon revocation or was a conviction for a misdemeanor or felony. The department shall report this data by region and shall include demographic information.
4. An accounting of the cost savings for the preceding 12-month period that resulted from reduced terms of confinement in prison for participants in the earned release program who were released to extended supervision or parole for completion of a vocational readiness training program.


(1) Report. No later than the first day of the 12th month beginning after the effective date of this subsection, the department of corrections shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The department shall report on the aging and elderly population of inmates in Wisconsin prisons, the costs of health care and other accommodations for that population, and trends and projections for the aging and elderly population and associated costs. The department shall also report on the feasibility, including costs and projected savings, of establishing and operating a state run facility for elderly inmates, the feasibility for adopting electronic monitoring as an alternative to incarceration for elderly inmates, and the possibility for eligibility for medical assistance for individuals who would qualify for alternatives to incarceration.

(2) Rules. The department of corrections shall update its administrative rules to implement earned release for completion of a vocational readiness training program under s. 302.05 (3).