

Fiscal Estimate - 2021 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

LRB Number 21-2221/2	Introduction Number SB-223	
Description reimbursement to counties or tribes for costs relating to individuals held in a county or tribal facility awaiting transfer to a state prison and making an appropriation		
Fiscal Effect <div style="display: flex;"> <div style="flex: 1;"> State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input checked="" type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="flex: 1;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="flex: 1;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> <input type="checkbox"/> Decrease Costs </div> </div> <div style="display: flex;"> <div style="flex: 1;"> Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 45%;"> 3. <input checked="" type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> </div> </div> <div style="flex: 1;"> 5. Types of Local Government Units Affected <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Towns <input checked="" type="checkbox"/> Counties <input type="checkbox"/> School Districts </div> <div style="width: 45%;"> <input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts </div> </div> <input type="checkbox"/> Cities </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div> Fund Sources Affected <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div> Affected Ch. 20 Appropriations 20.410(1)(ab) </div> </div>		
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Fiscal Estimate Narratives

DOC 4/13/2021

LRB Number	21-2221/2	Introduction Number	SB-223	Estimate Type	Original
Description reimbursement to counties or tribes for costs relating to individuals held in a county or tribal facility awaiting transfer to a state prison and making an appropriation					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, when an individual who has been sentenced to prison is held in a county jail while that individual awaits transfer to the prison, the county is responsible for the costs associated with jailing that individual, therefore no funding is appropriated for the DOC to reimburse counties for intakes awaiting transfer to a state facility. Also under current law, the Department of Corrections (DOC) may enter into a contract with a county or a tribe to temporarily house people who are on probation or who are sentenced to prison or the intensive sanctions program at a daily rate of up to \$60 per person.

When the global pandemic hit Wisconsin, the Safer-at-Home order temporarily suspended transfers between state and county facilities. After the expiration of the Safer-at-Home order, the DOC began to accept intakes, however at an intentionally slower rate in order to mitigate and reduce the spread of COVID-19 in prison facilities. As COVID-19 infections continued throughout the state, this effort of reduced intakes continued throughout 2020 and early 2021. The DOC has been gradually increasing intakes as infection rates remain low and vaccinations become available and are administered to people in our care.

Under this bill, if an individual is held in a county jail, other county facility, or tribal jail for more than 10 days awaiting transfer to a state prison, DOC must reimburse the county or tribe for the cost of jailing the individual at the daily contract rate or \$50 per person per day, whichever is greater. Under the bill, a county or tribe may bill DOC for costs incurred beginning on February 1, 2021.

Historically, the Department has not tracked the length of time that persons in our care (PIOC) typically are remaining in county or tribal jails prior to their transfer to a state prison. Those in DOC with institutional knowledge of the transferring process believe that most female PIOC's will be transferred to the Taycheedah Correctional Institution within 10 days, and therefore under the specifics of this bill DOC would not be required to reimburse county or tribal jails for females.

In CY2018 and CY2019, DOC admitted 8,385 and 8,179 male PIOC's, respectively, for an average of 8,282 admissions across the two years. For male PIOC's, historical knowledge estimates that the typical waiting period in county or tribal jails (pre COVID-19 pandemic) was approximately one month or 30 days before the individual was transferred to the Dodge Correctional Institution (DCI). Transfers to DCI do not occur on weekends or recognized holidays. Subtracting 10 days from 30 days would leave an estimated 20 days in which DOC would have to reimburse the county or tribal jail for holding PIOC's awaiting transfer to DCI, if this bill were to become law. In FY21, the Department has been reimbursing county and tribal jails \$51.46 per day for DOC PIOC's.

At \$51.46 per PIOC per day, using an average male PIOC admission rate of 8,282, the annual cost of reimbursement if most PIOC's spend 30 days in jail would be \$8,523,800 for the estimated 20 days the Department would need to reimburse. This cost estimate reflects what the Department would be required to reimburse on an annual basis, however the Department cannot predict future backlogs due to COVID-19 outbreaks or how quickly counties will reduce the backlog of trials on hold due to the pandemic. Also, the one month time lag is not based on actual data, but instead based on historical memory, so the actual costs may vary depending on real experiences.

The Department would also need a 1.00 FTE Financial Specialist Senior to handle the additional workload caused by having to permanently track the number of days each PIOC was staying in the jails, to audit the invoices from all counties, and to confirm the invoices are ready for payment. The annualized cost of this position would be \$68,200 GPR.

As noted above, the local impact of this legislation would be an increase in revenue which would be generated by the reimbursement paid by DOC.

Long-Range Fiscal Implications