AN ACT to amend 20.410 (1) (ab), 301.12 (2m), 302.27 (title), 302.33 (1) and 302.336 (3) (intro.); and to create 302.27 (3) of the statutes; relating to: 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.

Analysis by the Legislative Reference Bureau

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. Also under current law, the Department of Corrections 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.

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.
SENATE BILL 223

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) (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), reimbursements under s. 302.27 (3), contracts entered into with the federal government under 18 USC 5003, and intra-agency agreements relating to the placement of prisoners.

SECTION 2. 301.12 (2m) of the statutes is amended to read:

301.12 (2m) The liability specified in sub. (2) shall not apply to persons 17 and older receiving care, maintenance, services and supplies provided by prisons named in s. 302.01 or by a facility that the department is required to reimburse under s. 302.27 (3).

SECTION 3. 302.27 (title) of the statutes is amended to read:

302.27 (title) Contracts for temporary housing for or detention of persons on probation or prisoners.

SECTION 4. 302.27 (3) of the statutes is created to read:

302.27 (3) The department shall reimburse a county or tribe for the maintenance of persons who have been sentenced to a state prison and who are placed for more than 10 days in the county jail, county house of correction or other county facility, or tribal jail under s. 302.445, pending transfer to a state prison. The department shall reimburse the county or tribe at the daily contract rate established under sub. (1), or $50 per person per day, whichever is greater. A county or tribe may
request reimbursement for costs described under this subsection that were incurred
by the county or tribe beginning on February 1, 2021. This subsection does not apply
to a person described in s. 302.33 (2) (a).

**SECTION 5.** 302.33 (1) of the statutes is amended to read:

302.33 (1) The maintenance of persons who have been sentenced to the state
penal institutions except as provided in sub. (2) and s. 302.27 (3); persons in the
custody of the department, except as provided in sub. (2) and ss. 301.048 (7), 302.113
(8m), and 302.114 (8m); persons accused of crime and committed for trial; persons
committed for the nonpayment of fines and expenses; and persons sentenced to
imprisonment therein, while in the county jail, shall be paid out of the county
treasury. No claim may be allowed to any sheriff for keeping or boarding any person
in the county jail unless the person was lawfully detained therein.

**SECTION 6.** 302.336 (3) (intro.) of the statutes is amended to read:

302.336 (3) (intro.) Except as provided in sub. (4) and ss. 302.27 (3), 302.33 (2)
and 302.38, a county under sub. (1) is solely responsible for:

(END)