AN ACT to amend 16.51 (7), 20.410 (1) (c), 20.410 (3) (c) and 62.03 (1); and to create 60.33 (10p), 61.25 (11) and 62.09 (11) (m) of the statutes; relating to: law enforcement investigative services and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Corrections must reimburse counties for certain expenses related to an action or proceeding involving a prisoner in a state prison or a juvenile in a juvenile correctional facility in the county. This bill adds that DOC must also reimburse any county, city, village, or town that provides law enforcement investigative services for an incident involving a prisoner in a state prison or a juvenile in a juvenile correctional facility.

Under current DOC practice in accordance with memoranda of understanding, DOC reimburses the village of Allouez and Dodge County specific amounts at specific intervals during the year for law enforcement investigative services. This bill provides that, notwithstanding the statutory changes contained in the bill, the village of Allouez and Dodge County may continue to be reimbursed in accordance with their MOUs. This bill also decreases DOC’s general operations appropriation in the amounts currently spent annually under these MOUs to be reallocated to law enforcement investigative services reimbursement.
SENATE BILL 558

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. 16.51 (7) of the statutes is amended to read:

16.51 (7) Audit claims for expenses in connection with prisoners and juveniles in juvenile correctional facilities. Receive, examine, determine, and audit claims, duly certified and approved by the department of corrections, from the county clerk of any county in city, village, or town, on behalf of the county, city, village, or town, which are presented for payment to reimburse the county reimbursement for certain expenses incurred or paid by it in reference to all matters growing out of actions and proceedings involving prisoners in state prisons, as defined in s. 302.01, or juveniles in juvenile correctional facilities, as defined in s. 938.02 (10p), including prisoners or juveniles transferred to a mental health institute for observation or treatment, when the department shall reimburse a county under this subsection for expenses relating to actions or proceedings that are commenced in counties in which the prisons or juvenile correctional facilities are located by a district attorney or by the prisoner or juvenile as a postconviction remedy or a matter involving the prisoner’s status as a prisoner or the juvenile’s status as a resident of a juvenile correctional facility and for certain expenses incurred or paid by it in reference to holding those juveniles in secure custody while those actions or proceedings are pending. The department shall reimburse a county, city, village, or town under this subsection for expenses relating to law enforcement investigative services that it provided for an incident involving a prisoner in a state prison or a juvenile in a juvenile correctional facility within its jurisdiction.
Expenses shall only include the amounts that were necessarily incurred and actually paid and shall be no more than the legitimate cost would be to any other county jurisdiction had the offense or crime occurred therein.

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

20.410 (1) (c) *Reimbursement claims of counties or municipalities containing state prisons.* A sum sufficient to pay all valid claims made by county clerks of counties, cities, villages, and towns containing state prisons as provided in s. 16.51 (7).

**SECTION 3.** 20.410 (3) (c) of the statutes is amended to read:

20.410 (3) (c) *Reimbursement claims of counties or municipalities containing juvenile correctional facilities.* A sum sufficient to pay all valid claims made by county clerks of counties, cities, villages, or towns containing state juvenile correctional facilities as provided in s. 16.51 (7).

**SECTION 4.** 60.33 (10p) of the statutes is created to read:

60.33 (10p) *Claims in towns containing state institutions.* Make a certified claim against the state, without direction from the board, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms prescribed by the department of administration. The forms shall contain information required by the clerk and shall be filed annually with the department of corrections on or before June 1.

**SECTION 5.** 61.25 (11) of the statutes is created to read:

61.25 (11) To make a certified claim against the state, without direction from the board, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms prescribed by the department of administration. The forms shall contain information required by the clerk and shall be filed annually with the department of corrections on or before June 1.
SECTION 6. 62.03 (1) of the statutes is amended to read:

62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j) and (k), and (m), 62.175, 62.23 (7) (em) and (he) and 62.237, does not apply to 1st class cities under special charter.

SECTION 7. 62.09 (11) (m) of the statutes is created to read:

62.09 (11) (m) The clerk of any city that is entitled to reimbursement under s. 16.51 (7) shall make a certified claim against the state, without direction from the council, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms prescribed by the department of administration. The forms shall contain information required by the clerk and shall be filed annually with the department of corrections on or before June 1.

SECTION 8. Fiscal changes.

(1) LAW ENFORCEMENT INVESTIGATIVE SERVICES. In the schedule under s. 20.005 (3) for the appropriation to the department of corrections under s. 20.410 (1) (a), the dollar amount for fiscal year 2021–22 is decreased by $142,000 to reallocate those funds to reimburse law enforcement investigative services as provided under s. 16.51 (7). In the schedule under s. 20.005 (3) for the appropriation to the department of corrections under s. 20.410 (1) (a), the dollar amount for fiscal year 2022–23 is decreased by $142,000 to reallocate those funds to reimburse law enforcement investigative services as provided under s. 16.51 (7).


(1) VILLAGE OF ALLOWEZZ REIMBURSEMENTS FOR LAW ENFORCEMENT INVESTIGATIVE SERVICES. Notwithstanding ss. 16.51 (7) and 61.25 (11), the Village of Alloweez may be reimbursed for law enforcement investigative services in accordance with the
memorandum of understanding that is in effect on the effective date of this subsection.

(2) **Dodge County reimbursements for law enforcement investigative services.** Notwithstanding s. 16.51 (7), Dodge County may be reimbursed for law enforcement investigative services in accordance with the memorandum of understanding that is in effect on the effective date of this subsection.

(END)