

Fiscal Estimate - 2023 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 23-4669/1	Introduction Number AB-0805
Description in-person visiting periods for inmates of state correctional institutions and county jails or houses of correction	
Fiscal Effect	
State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input checked="" type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected Affected Ch. 20 Appropriations <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 20.410(1)a	
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Date 1/25/2024	

Fiscal Estimate Narratives

DOC 1/25/2024

LRB Number	23-4669/1	Introduction Number	AB-0805	Estimate Type	Original
Description in-person visiting periods for inmates of state correctional institutions and county jails or houses of correction					

Assumptions Used in Arriving at Fiscal Estimate

STATE

This bill provides that any visitor to a state correctional institution or county jail or house of correction must be registered as a visitor of the inmate he or she is visiting and that inmates may designate up to 25 individuals to be registered as his or her visitors. The bill outlines a process that must be followed to unregister a visitor.

The bill requires the Department of Corrections (DOC) to allow inmates of state correctional institutions and sheriffs to allow inmates of county jails or houses of correction at least two in person visiting periods per week unless the inmate is subject to a lockdown or is in solitary confinement. If the inmate is subject to a lockdown or is in solitary confinement, DOC or the sheriff may deny visits for a period not to exceed 10 consecutive days.

The bill requires the warden or superintendent of a state correctional institution or the sheriff for a county jail or house of correction to allow an inmate to physically embrace each visitor for at least 20 seconds at the beginning and end of each visiting period.

The bill requires the warden or superintendent of a state correctional institution or the sheriff for a county jail or house of correction to provide visitors with paper, a pen or pencil, and crayons or markers to use during a visit and requires that inmates be allowed to keep an original note, drawing, or other original work if it was created during a visit using those materials that were provided by the warden, superintendent, or sheriff.

Per Wisconsin Administrative Code 309.09, the Department currently provides at least nine hours of visitation per week for general population persons in our care (PIOC) and one hour per week for PIOCs in segregated housing. For PIOCs in segregated housing, these visits are only conducted virtually.

Per Administrative Code 309.08, PIOCs are allowed an approved visitors list of 12 members (children under 18 do not count) and wardens are allowed to approve additional visitors if all 12 members are close family. PIOCs are allowed to make changes to their visitor list every six months.

The Department understands the importance of PIOCs and their loved ones being able to physically embrace during visitation and works to balance this with minimizing the risk to safety and security. There have been incidences of narcotics and other contraband being smuggled into facilities during the exchange of hugs and kisses. To ensure consistency among institutions, the Department is working on standardizing language around PIOC and visitor physical embrace. However, DOC rules often do not have a one-size fits all model, and the Department is concerned that under this legislation there is a lack of flexibility to account for individual circumstances and/or risk.

Additionally, this bills states that PIOCs in restricted housing must be allowed to receive in-person visits after 10 days. As is, restrictive housing units are not built with spaces to accommodate in-person visitation. To be able to provide these visits, the Department would need to conduct a study, which would have an indeterminate cost, to determine if it could be done safely using existing space and staffing. However, it is likely that additional visiting spaces would need to be constructed at most facilities and the Department estimates needing at minimum 81.00 additional FTE Corrections Officers; 2.00 FTE at each minimum and medium security facility; 3.00 FTE at each of Wisconsin Secure Program Facility, Dodge Correctional Institution, and Taycheedah Correctional Institution; and 4.00 FTE at each of Green Bay Correctional Institution, Columbia Correctional Institution, and Waupun Correctional Institution at an annual cost of \$12,404,800. There would be an additional, indeterminate cost for any new construction.

LOCAL

This bill would provide that any visitor to a county jail or house of correction must be registered as a visitor of the inmate they are visiting and that inmates may designate up to 25 individuals to be registered as their visitors. The bill outlines a process that must be followed to unregister a visitor. The bill requires sheriffs to

allow inmates of county jails or houses of correction at least two in-person visiting periods per week unless the inmate is subject to a lockdown or is in solitary confinement. If the inmate is subject to a lockdown or is in solitary confinement, the sheriff may deny visits for a period not to exceed 10 consecutive days. The bill requires the sheriff for a county jail or house of correction to allow an inmate to physically embrace each visitor for at least 20 seconds at the beginning and end of each visiting period. The bill requires the sheriff for a county jail or house of correction to provide visitors with paper, a pen or pencil, and crayons or markers to use during a visit and requires that inmates be allowed to keep an original note, drawing, or other original work if it was created during a visit using those materials that were provided by the sheriff.

All county jails and house of corrections maintain a visiting schedule, and most, if not all, are by appointment. Most visits are currently done via remote video visitation at the convenience of the visitor. Video visits can be done from home or at the jail, where video monitors are set up. Some visits do still occur in person through glass. DOC is not aware of any county jail or house of corrections that allows physical contact between a visitor and an inmate. The bill's requirement that visits may include limited physical contact between inmates and visitors would raise security challenges, as would the requirement that visitors be provided various writing utensils and paper and that inmates be allowed to keep original work produced during the visit with those materials. To avoid the risk of contraband – such as drugs or crypted notes – entering facilities, security staff would need to strip search inmates before and after visits, as well as monitor and inspect any notes, drawings, or other original works produced during visits if kept by inmates. Between these and more general security concerns, to maintain site security additional staffing may be needed to handle the expanded security workload, and perhaps also video surveillance equipment if not already in place. For any facility that needs additional staffing and/or resources, the respective county would face increased costs.

Long-Range Fiscal Implications