

1983 Assembly Bill 235

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1983 Wisconsin Act 110

AN ACT to amend 53.34, 53.44, 59.07 (76), 59.68 (1) and 973.03 (1) of the statutes, relating to county correctional facilities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

PREFATORY NOTE: This proposal repeals the requirement that a county's jail be located at the county seat. It also clarifies the authority of counties to cooperate in the establishment of joint jails and rehabilitation facilities for persons sentenced to the county jail.

Current law: Under current law, any 2 or more counties may agree to cooperate in the joint use of county jails [s. 53.44, stats.]. Adjoining counties may contract for the joint use of a reforestation camp established to carry out projects in a county forest. The camp may be used for keeping and employing, with or without compensation, offenders sentenced to the county jail from the counties [s. 56.07, stats.]. Milwaukee county may contract with any other county to keep offenders sentenced from that county in the Milwaukee county house of correction [s. 56.18 (3), stats.]. Any 2 or more counties may also join together to establish a secure detention facility for juveniles [s. 48.22, stats.].

However, each county must have its own jail located at the county seat, regardless of its cooperative agreements with other counties.

Proposed changes: This proposal clarifies that county authority to cooperate in the use of rehabilitation facilities is included in county authority to cooperate in the use of jails. [Rehabilitation facilities can be established under s. 59.07 (76), stats., to provide specialized programming for persons sentenced to the county jail.]

This proposal also repeals the requirement that each county provide a jail at the county seat. The county jail may be located anywhere in the county or, under a cooperative agreement with another county or group of counties, may be located outside of the county.

SECTION 1. Legislative findings and purpose. (1) The legislature recognizes that many Wisconsin county correctional facilities lack adequate programming, are overcrowded and are in need of repair or replacement. Furthermore, the number of offenders housed in county correctional facilities and the cost of handling those offenders is increasing.

(2) The legislature finds that the cost of providing adequate facilities and programming for offenders in the county correctional system in many counties could be reduced through cooperation between counties in developing facilities and programming.

(3) To this end, the legislature declares that the purpose of this act is to encourage cooperation between counties in establishment and operation of joint correctional facilities and programs to reduce costs, ease overcrowding, upgrade facilities and improve programming in county correctional systems.

SECTION 2. 53.34 of the statutes is amended to read:

53.34 Use of jail of another county. Courts, judges and officers of any county having no jail and no cooperative agreement under s. 53.44 may sentence, commit or deliver any person to the jail of any other county as if ~~such that~~ jail existed in their own county; ~~and the.~~ The sheriff of such the other county shall receive and keep the prisoner in all respects as if committed from his or her county; but the. The cost of ~~such the~~ keep shall be paid by the county from which the prisoner was sentenced, committed or delivered.

SECTION 3. 53.44 of the statutes is amended to read:

53.44 Cooperation between counties regarding prisoners. Two or more counties may agree ~~pursuant to~~ under s. 66.30 for the cooperative establishment and use of the jails and rehabilitation facilities of any of them for the detention or imprisonment of prisoners before, during, and after trial and for sharing the expense without reference to s. 53.34. The sheriffs of ~~such the~~ counties shall lodge prisoners in any jail or rehabilitation facility authorized by ~~such the~~ agreement and shall ~~indorse~~ endorse the commitment, if any, ~~as provided in~~ under s. 53.35 in case detention or imprisonment is in the jail or rehabilitation facility of another county. Only jails and rehabilitation facilities approved by the department for the detention of prisoners may be used ~~pursuant to such~~ under the agreement. The sheriff of the county of arrest shall transport the prisoner to and from court and to any other institution whenever necessary.

SECTION 4. 59.07 (76) of the statutes is amended to read:

59.07 (76) **REHABILITATION FACILITIES.** Establish and maintain rehabilitation facilities in any part of the county under the jurisdiction of the sheriff as an extension of the jail, or separate from the jail under jurisdiction of a superintendent, to provide any person sentenced to the county jail with a program of rehabilitation for such part of ~~his~~ the person's sentence or commitment as ~~in the opinion of~~ the court determines will be of rehabilitative value to ~~such the~~ prisoner. Rehabilitation facilities may be located outside of the county under a cooperative agreement under s. 53.44.

SECTION 5. 59.68 (1) of the statutes is amended to read:

59.68 (1) Each county shall provide a courthouse, ~~jail~~, fireproof offices and other necessary buildings at the county seat and keep them in good repair. Rehabilitation Each county shall provide a jail or enter into a cooperative agreement under s. 53.44 for the cooperative establishment and use of a jail. The jail and rehabilitation facilities as extensions of the jail and jail extensions under sub. (7) need not be at the county seat and may be located outside of the county under a cooperative agreement under s. 53.44.

SECTION 6. 973.03 (1) of the statutes is amended to read:

973.03 Jail sentence. (1) If at the time of passing sentence upon a defendant who is to be imprisoned in a county jail, there is no jail in the county suitable for ~~said~~ the defendant ~~and no cooperative agreement under s. 53.44~~ the court may sentence ~~him~~ the defendant to any suitable county jail in the state. The expenses of supporting ~~him~~ the defendant there shall be borne by the county in which the crime was committed.
