

1983 Assembly Bill 253

Date of enactment: April 20, 1984  
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1983 Wisconsin Act 254

AN ACT to amend 46.17 (1), 56.08 (11) and 973.09 (4); and to create 56.08 (2m) and 56.09 of the statutes, relating to Huber facilities and granting rule-making authority.

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

PREFATORY NOTE: Current law requires the department of health and social services to fix reasonable standards and regulations for the design, construction, repair and maintenance of certain local facilities. Current law includes jails and lockups. SECTION 1 of this proposal expands on this requirement and provides statutory references by including jails, extensions of jails, rehabilitation facilities, lockup facilities and Huber facilities. This latter type of facility is authorized under SECTION 4 of this proposal.

SECTION 4 of this proposal authorizes counties to establish, relocate and maintain an unlocked facility (commonly referred to as a Huber facility) for use exclusively by persons granted leave privileges under s. 56.08 (1) and persons confined under s. 973.09 (4).

The current s. 56.08 (1) covers persons sentenced under the Huber law. Those are persons sentenced to a county jail for whom the sentencing court has authorized leaves during necessary and reasonable hours for any of 5 purposes (seeking employment, working at employment, conducting any self-employed occupation including housekeeping and attending the needs of the person's family, attendance at an educational institution or medical treatment). The current s. 973.09 (4) authorizes a court to require as a condition of probation

that the probationer be confined in the county jail between the hours or periods of employment for a period not to exceed one year.

SECTIONS 3 and 5 provide references in ss. 56.08 and 973.09 (4) to Huber facilities. Additionally, SECTIONS 2 and 5 require, in those counties with a Huber facility, that the sheriff make the determination of whether confinement is to be in that facility or in the county jail and authorize the sheriff to make transfers.

That portion of the proposal which requires standards for Huber facilities takes effect on the day following publication. The remainder of the proposal takes effect on January 1, 1985.

SECTION 1. 46.17 (1) of the statutes is amended to read:

46.17 (1) The department shall fix reasonable standards and regulations for the design, construction, repair and maintenance of county homes, county infirmaries, county hospitals, mental health facilities, houses of correction, reforestation camps maintained under s. 56.07, jails ~~and lockups~~ as defined in s. 53.30, extensions of jails under s. 59.68 (7), rehabilitation facilities under s. 59.07 (76), lockup facilities as defined in s. 53.30 and, on or after January 1, 1985, Huber facilities under s. 56.09, and juvenile detention homes and shelter care facilities, with respect to their adequacy and fitness for the needs which they are to serve.

SECTION 2. 56.08 (2m) of the statutes is created to read:

56.08 (2m) In those counties with a Huber facility under s. 56.09, the sheriff shall determine whether a person granted leave privileges under this section is to be confined in that facility or in the county jail. The sheriff may transfer persons granted leave privileges under this section between a Huber facility and the county jail.

SECTION 3. 56.08 (11) of the statutes is amended to read:

56.08 (11) In this section "~~jail~~":

(a) "Jail" includes a house of correction and "~~sheriff~~", except for purposes of sub. (13), a Huber facility under s. 56.09.

(b) "Sheriff" includes the superintendent of a house of correction.

SECTION 4. 56.09 of the statutes is created to read:

**56.09 Huber facilities.** (1) The county board of any county may establish, relocate and maintain an unlocked facility for use exclusively by persons granted leave privileges under s. 56.08 (1) and persons confined under s. 973.09 (4). The facility need not be located at the county seat.

(2) The county boards of 2 or more counties may jointly establish, relocate and maintain a facility described in sub. (1). The operation and expenses of the facility shall be governed by an agreement between those counties. In a jointly established facility, authority under ss. 56.08 (2m) and 973.09 (4) may be exercised by a sheriff of any of the counties which jointly establish the facility. The agreement shall specify who has authority to act under ss. 56.08 (2m) and 973.09.

SECTION 5. 973.09 (4) of the statutes is amended to read:

973.09 (4) The court may also require as a condition of probation that the probationer be confined ~~in the county jail~~ between the hours or periods of his or her employment during such portion of his ~~the~~ term of probation as the court specifies, but not to exceed one year and the court shall require ~~him~~ the probationer to pay the costs as provided in s. 56.08 (4). In those counties without a Huber facility under s. 56.09, the probationer shall be confined in the county jail. In those counties with a Huber facility under s. 56.09, the sheriff shall determine whether confinement under this subsection is to be in that facility or in the county jail. The sheriff may transfer persons confined under this subsection

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between a Huber facility and the county jail. While ~~confined pursuant to~~ subject to this subsection he, the probationer shall be subject to all the rules of the jail or Huber facility and the discipline of the sheriff.

SECTION 6. **Effective dates.** (1) Except as provided in subsection (2), this act takes effect on January 1, 1985.

(2) The treatment of section 46.17 (1) of the statutes by this act takes effect on the day following publication.

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