



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBa1643/1  
RPN&JEO:all:hmh

**SENATE AMENDMENT 1,  
TO 1997 SENATE BILL 345**

February 10, 1998 - Offered by COMMITTEE ON JUDICIARY, CAMPAIGN FINANCE  
REFORM AND CONSUMER AFFAIRS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 1: delete "supervision and" and substitute "supervision,".

3 **2.** Page 3, line 2: after "authority" insert "and making an appropriation".

4 **3.** Page 5, line 5: delete the material beginning with that line and ending with  
5 page 6, line 4, and substitute:

6 "SECTION 2m. 20.410 (1) (b) of the statutes, as affected by 1997 Wisconsin Act  
7 27, is amended to read:

8 20.410 (1) (b) *Services for community corrections.* The amounts in the schedule  
9 to provide services related to probation, extended supervision and parole, the  
10 intensive sanctions program under s. 301.048, the community residential  
11 confinement program under s. 301.046, programs of intensive supervision of adult  
12 offenders and minimum security correctional institutions established under s.

1 301.13. No payments may be made under this paragraph for payments in accordance  
2 with other states party to the interstate corrections compact under s. 302.25.”

3 **4.** Page 6, line 11: delete lines 11 to 16 and substitute:

4 “**SECTION 4m.** 20.410 (1) (d) of the statutes, as affected by 1997 Wisconsin Act  
5 27, is amended to read:

6 20.410 (1) (d) *Purchased services for offenders.* The amounts in the schedule  
7 for the purchase of goods, care and services, including community-based residential  
8 care, authorized under s. 301.08 (1) (b) 1., for inmates, probationers ~~and~~, parolees  
9 and persons on extended supervision. In addition, funds from this appropriation  
10 shall be used to reimburse programs under s. 38.04 (12).”

11 **5.** Page 7, line 10: delete lines 10 to 20 and substitute:

12 “**SECTION 8m.** 20.410 (1) (ge) of the statutes, as affected by 1997 Wisconsin Act  
13 27, is amended to read:

14 20.410 (1) (ge) *Administrative and minimum supervision.* The amounts in the  
15 schedule for the supervision of probationers ~~and~~, parolees and persons on extended  
16 supervision under minimum or administrative supervision and for the department’s  
17 costs associated with contracts under s. 301.08 (1) (c) 2. All moneys received from  
18 vendors under s. 301.08 (1) (c) 4. and from fees charged under s. 304.073 (2) shall be  
19 credited to this appropriation account.

20 **SECTION 9m.** 20.410 (1) (gf) of the statutes, as affected by 1997 Wisconsin Act  
21 27, is amended to read:

22 20.410 (1) (gf) (title) *Probation ~~and~~, parole and extended supervision.* The  
23 amounts in the schedule for probation ~~and~~, parole and extended supervision. All

1 moneys received from fees charged under s. 304.074 (2) shall be credited to this  
2 appropriation account.”.

3 **6.** Page 7, line 21: delete the material beginning with that line and ending with  
4 page 8, line 2, and substitute:

5 **“SECTION 10g.** 20.433 (1) (c) of the statutes is created to read:

6 20.433 (1) (c) *Child abuse and neglect prevention grants.* A sum sufficient equal  
7 to 0.5% of the total amounts appropriated and estimated to be expended from all  
8 sources for the department of corrections for each fiscal year as shown in the schedule  
9 under s. 20.005 (3), to be used for grants to organizations under s. 48.982 (4), (6) and  
10 (7) and for statewide projects under s. 48.982 (5). The child abuse and neglect  
11 prevention board may not encumber or expend more than \$1,749,700 from this  
12 appropriation between January 1, 1999, and June 30, 1999.

13 **SECTION 10h.** 20.433 (1) (c) of the statutes, as created by 1997 Wisconsin Act  
14 .... (this act), is amended to read:

15 20.433 (1) (c) *Child abuse and neglect prevention grants.* A sum sufficient equal  
16 to 0.5% of the total amounts appropriated and estimated to be expended from all  
17 sources for the department of corrections for each fiscal year as shown in the schedule  
18 under s. 20.005 (3), to be used for grants to organizations under s. 48.982 (4), (6) and  
19 (7) and for statewide projects under s. 48.982 (5). ~~The child abuse and neglect  
20 prevention board may not encumber or expend more than \$1,749,700 from this  
21 appropriation between January 1, 1999, and June 30, 1999.~~

22 **SECTION 10r.** 20.435 (3) (b) of the statutes is created to read:

23 20.435 (3) (b) *Child abuse and neglect prevention grants and projects.* A sum  
24 sufficient equal to 0.5% of the total amounts appropriated and estimated to be

1 expended from all sources for the department of corrections for each fiscal year as  
2 shown in the schedule under s. 20.005 (3), to be used for grants to programs and  
3 statewide projects the primary goal of which is the prevention of child abuse and  
4 neglect. The department of health and family services may not encumber or expend  
5 more than \$1,749,700 from this appropriation between January 1, 1999, and June  
6 30, 1999.

7 **SECTION 10s.** 20.435 (3) (b) of the statutes, as created by 1997 Wisconsin Act  
8 .... (this act), is amended to read:

9 20.435 (3) (b) *Child abuse and neglect prevention grants and projects.* A sum  
10 sufficient equal to 0.5% of the total amounts appropriated and estimated to be  
11 expended from all sources for the department of corrections for each fiscal year as  
12 shown in the schedule under s. 20.005 (3), to be used for grants to programs and  
13 statewide projects the primary goal of which is the prevention of child abuse and  
14 neglect. ~~The department of health and family services may not encumber or expend~~  
15 ~~more than \$1,749,700 from this appropriation between January 1, 1999, and June~~  
16 ~~30, 1999.~~

17 **SECTION 10w.** 46.03 (7) (f) of the statutes is created to read:

18 46.03 (7) (f) In consultation with the child abuse and neglect prevention board,  
19 develop a plan for the expenditure of funds from the appropriation account under s.  
20 20.435 (3) (b). The plan shall ensure that funds from the appropriation account  
21 under s. 20.435 (3) (b) are not used to supplant any other funding the department  
22 provides for the prevention of child abuse and neglect. Beginning in 1999, by June  
23 30 of each year the department shall submit a copy of the plan for the next fiscal year  
24 to the chief clerk of each house of the legislature, for distribution to the appropriate  
25 standing committees under s. 13.172 (3).”.

1           **7.** Page 9, line 2: after that line insert:

2           “**SECTION 14e.** 48.982 (4) (a) of the statutes is amended to read:

3           48.982 (4) (a) From the appropriations under s. 20.433 (1) (c), (h), (i), (k), (m)  
4           and (q), the board shall award grants to organizations in accordance with the plan  
5           developed under sub. (2) (a). In each of the first 2 fiscal years in which grants are  
6           awarded, no organization may receive a grant or grants totaling more than \$15,000.

7           **SECTION 14f.** 48.982 (5) of the statutes is amended to read:

8           48.982 (5) STATEWIDE PROJECTS. From the appropriations under s. 20.433 (1) (c),  
9           (i) and (r), the board shall administer any statewide project for which it has accepted  
10          money under sub. (2m) (c).

11          **SECTION 14g.** 48.982 (6) (a) of the statutes is amended to read:

12          48.982 (6) (a) From the appropriations under s. 20.433 (1) (b), (c), (h), (i), (k),  
13          (ma) and (q), the board shall award grants to organizations in accordance with the  
14          request-for-proposal procedures developed under sub. (2) (a). No organization may  
15          receive a grant or grants under this subsection totaling more than \$75,000 in any  
16          year.

17          **SECTION 14h.** 48.982 (7) (a) of the statutes is amended to read:

18          48.982 (7) (a) From the appropriations under s. 20.433 (1) (c), (h), (i), (k) and  
19          (q), the board shall award grants to organizations in accordance with the plan  
20          developed under sub. (2) (a).

21          **SECTION 14m.** 49.124 (6) of the statutes, as created by 1997 Wisconsin Act 27,  
22          is amended to read:

23          49.124 (6) INELIGIBILITY FOR FUGITIVE FELONS. No person is eligible for the food  
24          stamp program in a month in which that person is a fugitive felon under 7 USC 2015

1 (k) (1) or is violating a condition of probation, extended supervision or parole imposed  
2 by a state or federal court.

3 **SECTION 14p.** 49.145 (2) (rm) of the statutes, as created by 1997 Wisconsin Act  
4 27, is amended to read:

5 49.145 (2) (rm) The individual is not violating a condition of probation,  
6 extended supervision or parole imposed under federal or state law.

7 **SECTION 14t.** 49.32 (10) (a) 2. a. of the statutes, as affected by 1997 Wisconsin  
8 Act 27, is amended to read:

9 49.32 (10) (a) 2. a. That the recipient or participant is a fugitive felon under 42  
10 USC 608 (a) (9), is violating a condition of probation, extended supervision or parole  
11 imposed under state or federal law or has information that is necessary for the officer  
12 to conduct the official duties of the officer.”.

13 **8.** Page 18, line 24: after that line insert:

14 **“SECTION 43m.** 301.03 (13) of the statutes, as created by 1997 Wisconsin Act  
15 27, is amended to read:

16 301.03 (13) Annually notify each person who has been discharged from  
17 probation, extended supervision or parole and who owed any supervision fees at the  
18 time of discharge of any supervision fees owed by the person to the department.”.

19 **9.** Page 18, line 25: delete the material beginning with that line and ending  
20 with page 19, line 4.

21 **10.** Page 22, line 16: delete the material beginning with that line and ending  
22 with page 23, line 16, and substitute:

23 **“SECTION 61m.** 301.08 (1) (c) 2., 3., 3m. and 5. of the statutes, as affected by 1997  
24 Wisconsin Act 27, are amended to read:

1           301.08 (1) (c) 2. Beginning on January 1, 1996, the department may contract  
2 with public, private or voluntary vendors for the supervision or for any component  
3 of the supervision of probationers ~~and, parolees~~ and persons on extended supervision  
4 who are under minimum supervision or administrative supervision.

5           3. Except as provided in subd. 3m., a contract under subd. 2. shall authorize  
6 a vendor to charge a fee to probationers ~~and, parolees~~ and persons on extended  
7 supervision sufficient to cover the cost of supervision and administration of the  
8 contract.

9           3m. A contract under subd. 2. shall permit the department to prohibit a vendor  
10 from charging a fee to a probationer ~~or, parolee~~ or person on extended supervision  
11 who is supervised under the contract if the probationer ~~or, parolee~~ or person on  
12 extended supervision demonstrates that he or she is unable to pay the fee because  
13 of any of the following:

14           a. The probationer ~~or, parolee~~ or person on extended supervision is undergoing  
15 treatment approved by the department and is unable to work.

16           b. The probationer ~~or, parolee~~ or person on extended supervision has a  
17 statement from a physician certifying to the department that the probationer ~~or,~~  
18 parolee or person on extended supervision should be excused from working for  
19 medical reasons.

20           5. The department shall promulgate rules for fees, collections, reporting and  
21 verification regarding probationers ~~and, parolees~~ and persons on extended  
22 supervision supervised by a vendor who contracts with the department under subd.  
23 2. and shall promulgate rules defining “administrative supervision” and “minimum  
24 supervision”.

1           **SECTION 62m.** 301.08 (3) (b) (intro.) of the statutes, as created by 1997  
2 Wisconsin Act 27, is amended to read:

3           301.08 **(3)** (b) (intro.) Before contracting under this section for transitional  
4 housing for the temporary placement of persons on parole ~~or~~, probation or extended  
5 supervision, the department shall notify all of the following of the proposed  
6 contract:".

7           **11.** Page 24, line 3: delete that line and substitute:

8           “**SECTION 66m.** 301.21 (1m) (a) 8. of the statutes, as affected by 1997 Wisconsin  
9 Act 27, is amended to read:".

10           **12.** Page 24, line 4: delete “301.21 **(1)** (h)” and substitute “301.21 **(1m)** (a) 8.”.

11           **13.** Page 24, line 5: after that line insert:

12           “**SECTION 66p.** 301.21 (2m) (a) 6. of the statutes, as created by 1997 Wisconsin  
13 Act 27, is amended to read:

14           301.21 **(2m)** (a) 6. Provisions concerning procedures for probation, parole,  
15 extended supervision and discharge.”.

16           **14.** Page 49, line 15: delete lines 15 to 22 and substitute:

17           “**SECTION 132e.** 304.073 (2) of the statutes, as affected by 1997 Wisconsin Act  
18 27, is amended to read:

19           304.073 **(2)** Beginning on January 1, 1996, the department shall charge a fee  
20 to any probationer ~~or~~, parolee or person on extended supervision who is under  
21 minimum or administrative supervision and is supervised by the department. The  
22 fee does not apply if the person is supervised by a vendor under s. 301.08 (1) (c). The  
23 department shall set the fee sufficient to cover the cost of supervision. The



1 department shall collect moneys for the fee charged under this subsection and credit  
2 those moneys to the appropriation account under s. 20.410 (1) (ge).

3 **SECTION 132m.** 304.073 (2m) (a) of the statutes, as created by 1997 Wisconsin  
4 Act 27, is amended to read:

5 304.073 (2m) (a) If a probationer ~~or~~, parolee or person on extended supervision  
6 who owes unpaid fees to the department under sub. (2) is discharged from probation  
7 or from his or her sentence before the department collects the unpaid fees, the  
8 department shall, at the time of discharge, issue a notice to the probationer ~~or~~,  
9 parolee or person on extended supervision that states that he or she owes unpaid fees  
10 under sub. (2) and that he or she is responsible for the payment of the unpaid fees.  
11 The notice under this paragraph shall be issued with the certificate of discharge  
12 required under s. 304.078 or 973.09 (5).

13 **SECTION 132s.** 304.073 (4) of the statutes, as created by 1997 Wisconsin Act 27,  
14 is amended to read:

15 304.073 (4) The department may decide not to charge a fee under sub. (2) to  
16 any probationer ~~or~~, parolee or person on extended supervision if the probationer ~~or~~,  
17 parolee or person on extended supervision demonstrates that he or she is unable to  
18 pay the fee because of any of the following:

19 (a) The probationer ~~or~~, parolee or person on extended supervision is undergoing  
20 treatment approved by the department and is unable to work.

21 (b) The probationer ~~or~~, parolee or person on extended supervision has a  
22 statement from a physician certifying to the department that the probationer ~~or~~,  
23 parolee or person on extended supervision should be excused from working for  
24 medical reasons.”.

1           **15.** Page 50, line 23: after that line insert:

2           “**SECTION 137m.** 304.074 (4m) (a) of the statutes, as created by 1997 Wisconsin  
3 Act 27, is amended to read:

4           304.074 (**4m**) (a) If a probationer ~~or~~, parolee or person on extended supervision  
5 who owes unpaid fees to the department under sub. (2) is discharged from probation  
6 or from his or her sentence before the department collects the unpaid fees, the  
7 department shall, at the time of discharge, issue a notice to the probationer ~~or~~,  
8 parolee or person on extended supervision that states that he or she owes unpaid fees  
9 under sub. (2) and that he or she is responsible for the payment of the unpaid fees.  
10 The notice under this paragraph shall be issued with the certificate of discharge  
11 required under s. 304.078 or 973.09 (5).”.

12           **16.** Page 63, line 19: after “statutes” insert “, as affected by 1997 Wisconsin  
13 Act 35,”.

14           **17.** Page 63, line 25: delete “and” and substitute “and”.

15           **18.** Page 87, line 4: delete “CODE” and substitute “PENALTIES”.

16           **19.** Page 87, line 7: delete “code” and substitute “penalties”.

17           **20.** Page 88, line 7: after “felonies” insert “and Class A misdemeanors”.

18           **21.** Page 88, line 12: after “felony” insert “and Class A misdemeanor”.

19           **22.** Page 89, line 5: after that line insert:

20           “(2g) CHILD ABUSE AND NEGLECT PREVENTION FUNDING. Notwithstanding section  
21 20.002 (1) of the statutes, if the biennial budget act for the biennium beginning July  
22 1, 1999, is not enacted on or before June 30, 1999, moneys encumbered or expended  
23 from the appropriation accounts under sections 20.433 (1) (c) and 20.435 (3) (b) of the

1 statutes, as amended by this act, may not exceed, for each month beginning July 1,  
2 1999, until enactment of the biennial budget, an amount equal to one-sixth the  
3 amount of the money that was authorized to be encumbered and expended from the  
4 appropriation accounts from January 1, 1999, to June 30, 1999.

5 **SECTION 219m. Effective dates.** This act takes effect on the day after  
6 publication, except as follows:

7 (1) The creation of sections 20.433 (1) (c) and 20.435 (3) (b) of the statutes takes  
8 effect on January 1, 1999.

9 (2) The amendment of sections 20.433 (1) (c) and 20.435 (3) (b) of the statutes  
10 takes effect on July 1, 1999.”

11

(END)