



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-1024/P1  
EAW:wlj

DOA:.....Schmidt, BB0345 - Law enforcement investigative services

**FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT** ...; **relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**CORRECTIONS**

***Reimbursement for law enforcement investigative services***

Under current law, DOC 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.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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***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.~~ 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 the county 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.

**(END)**