

**ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF CORRECTIONS
REPEALING AND AMENDING RULES**

The Wisconsin department of Corrections proposes an order repealing DOC 328.043, and amending DOC 328.045(1), (2) (intro) and (2)(c), relating to adult field supervision.

Statutory Authority: ss.301.02, 301.03 (1) (2), and 227.11(2), Stats.
Statutes Interpreted: ss.304.073 and 304.074, Stats.

Analysis Prepared by the Department of Corrections...

Pursuant to sec. 304.074(2) Stats., the department has authority to collect “at least \$1 per day, if appropriate” from offenders on supervision. However, 2001 Wisconsin Act 109 directs the department to amend supervision fees and provides, in relevant part, the following:

“...the department of corrections shall promulgate the rules that are required under section 304.074(5) of the statutes and that set rates under section 304.074(2) of the statutes. The rules shall take effect on July 1, 2002.”

“...the rules shall require the department to have a goal of receiving at least \$2 per day, if appropriate, from each person who is on probation, parole, or extended supervision and who is not under administrative supervision, as defined in section 304.74(1)(a) of the statutes, or minimum supervision, as defined in section 304.74(1)(b) of the statutes.”

The department published an emergency rule on July 1, 2002 in anticipation of the fore-mentioned statutory requirements. This permanent rule proposal follows.

While 2001 Wisconsin Act 109 doubles the amount the department may collect in supervision fees, the current Administrative Code limits the department’s efforts to do so. The current DOC 328 establishes a set fee schedule with a maximum collection of \$45 per month.

This rule:

- Raises the department’s supervision fee goal to at least \$2 per day, if appropriate, from all offenders under supervision by the department.
- Eliminates the distinction between offenders supervised by the department on administrative and minimum supervision and offenders who are deemed medium, maximum and high risk

as it relates to supervision fees. All offenders under supervision by the department will pay, based on their ability, according to one supervision-fee scale. Offenders on minimum supervision will ultimately pay the cost of supervision while offenders on medium and maximum supervision will pay a portion of the cost of supervision.

SECTION 1. DOC 328.043 is repealed.

SECTION 2. DOC 328.045(1), (2) (intro) and (2)(c) are amended to read:

DOC 328.045 ~~Medium, maximum and high risk~~ Offenders under supervision by the department.

- (1) OFFENDER PAYMENT. An offender ~~on medium supervision as defined under s. DOC 328.04(4) (b) or maximum supervision as defined under s. DOC 328.04(4)(a) or high risk~~ who is under supervision by the department shall pay a supervision fee.
- (2) SUPERVISION FEE. The department shall set a supervision fee for an offender based on the offender's ability to pay with the goal of receiving at least \$~~1~~2 per day, if appropriate, and shall do all of the following:
 - (c) Charge a supervision fee according to the following table:

Table DOC 328.045

Category	Gross Monthly Income	Supervision Fee	Maximum Rate
I	\$0-599.99 <u>799.99</u>	\$10.00 <u>20.00</u>	\$30.00
II	\$600.00 or more <u>800.00-1,499.99-</u>	\$30.00 <u>40.00</u>	\$45.00
III	<u>\$1,500.00 or more</u>	<u>\$60.00</u>	

Effective date. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s.227.22 (2) Stats

Dated: _____

Agency: _____

Jon E. Litscher, Secretary