



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Assembly Bill 42

**Assembly Amendments
2, 3 and 4**

Memo published: February 21, 2001

Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 was amended by Assembly Amendment 1 to Assembly Amendment 2. This is a description of the amendment, as amended. Assembly Amendment 2 prohibits the Building Commission from leasing, authorizing the leasing of, or acquiring any building, structure, or facility, or portion thereof for initial occupancy by DOC unless construction began before October 1, 1999 or after the building, structure or facility was enumerated in the authorized state building program. The authorized state building program sets forth the plan for acquisition, construction, and renovation of public facilities and related funding. The plan is recommended by the Building Commission and approved by the Legislature, usually as part of the biennial budget act.

The amendment also prohibits any person from commencing construction of a correctional facility or conversion of an existing building, structure, or facility into a correctional facility unless it is enumerated in the authorized state building program. Under the amendment, this provision also applies to juvenile correctional facilities. This prohibition does not apply, however, to a building, structure, or facility that meets one of the following criteria:

1. It is constructed or converted under a contract with and for use by an authorized jurisdiction. "Authorized jurisdiction" is defined as a county, two counties cooperatively establishing a jail or rehabilitation facility, the United States, or an American Indian tribe or band in this state.
2. The construction was completed before January 1, 2001, if the building, structure or facility was designed to confine persons convicted of criminal offenses.

The amendment also provides that DOC may not lease any building or any portion of a building unless construction began before October 1, 1999, or the building was enumerated in the authorized state building program before the construction or conversion into a correctional facility began.

Finally, under the amendment, two counties may agree for the cooperative establishment and use of a jail or rehabilitation facility for the detention or imprisonment of prisoners before, during and after trial. Under current law, *two or more* counties may establish and use such a facility.

Assembly Amendment 1 to Assembly Amendment 2 was adopted by the Assembly on a voice vote on February 14, 2001.

Assembly Amendment 2 was adopted by the Assembly on a voice vote on February 14, 2001.

ASSEMBLY AMENDMENT 3

Assembly Amendment 3 deletes a provision of the bill that permits the DOC to request that the Joint Committee on Finance supplement its budget for the purpose of staffing any leased correctional facility. Typically, such a request requires a finding by the Joint Committee on Finance that an emergency exists. A finding of emergency is not required under the bill.

Assembly Amendment 3 was adopted by the Assembly on a voice vote on February 14, 2001.

ASSEMBLY AMENDMENT 4

Assembly Amendment 4 names the prison that has been constructed near Stanley, Wisconsin, the Stanley Correctional Institution.

Assembly Amendment 4 was adopted by the Assembly on a voice vote on February 14, 2001.

AS:wu:rv;wu