

## **1995 ASSEMBLY BILL 4**

- January 9, 1995 Introduced by Representatives OURADA, VRAKAS, KLUSMAN, SILBAUGH, HASENOHRL, LEHMAN, VANDER LOOP, ZIEGELBAUER, MUSSER, REYNOLDS and URBAN, cosponsored by Senators ROSENZWEIG and BRESKE. Referred to Committee on Children and Families.
- AN ACT to amend 16.51 (7), 20.410 (1) (c) and 59.175; and to create 20.435 (3) (c) of the statutes; relating to: state reimbursement of county expenses for residents of juvenile secured correctional facilities and making an appropriation.

## Analysis by the Legislative Reference Bureau

Current law provides a sum sufficient appropriation to the department of corrections (DOC) from which DOC pays claims made by counties in which state prisons are located for reimbursement of expenses growing out of court proceedings involving prisoners. This bill provides a sum sufficient appropriation to the department of health and social services (DHSS) from which to pay claims made by counties in which juvenile secured correctional facilities are located for reimbursement of expenses growing out of court proceedings involving children placed in juvenile secured correctional facilities. The bill also provides for state reimbursement of expenses incurred by counties in which juvenile secured correctional facilities are located for state reimbursement of expenses incurred by counties in which juvenile secured the those proceedings are pending.

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

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

- 5 **SECTION 1.** 16.51 (7) of the statutes is amended to read:
- 6 16.51 (7) (TITLE) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND
- 7 <u>CHILDREN IN SECURED CORRECTIONAL FACILITIES</u>. Receive, examine, determine and

audit claims, duly certified and approved by the department of corrections or the 1 2 department of health and social services, from the county clerk of any county in 3 behalf of the county, which are presented for payment to reimburse the county for 4 certain expenses incurred or paid by it in reference to all matters growing out of 5 actions and proceedings involving prisoners in state prisons, as defined in s. 302.01, 6 or children in secured correctional facilities, as defined in s. 48.02 (15m), including 7 prisoners or children transferred to a mental health institute for observation or 8 treatment, when the proceedings are commenced in counties in which the prisons or 9 secured correctional facilities are located by a district attorney or by the prisoner or 10 child as a postconviction remedy or a matter involving the prisoner's status as a 11 prisoner or the child's status as a resident of a secured correctional facility and for 12certain expenses incurred or paid by it in reference to holding those children in 13 secure custody while those actions or proceedings are pending. Expenses shall only 14include the amounts as that were necessarily incurred and actually paid and shall 15be no more than the legitimate cost would be to any other county had the offense or 16 crime occurred therein. 17**SECTION 2.** 20.410 (1) (c) of the statutes is amended to read:

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18 20.410 (1) (c) (title) Reimbursement claims of counties containing state 19 *institutions\_prisons*. A sum sufficient to pay all valid claims made by county clerks 20 of counties containing certain state institutions <u>prisons</u> as provided in s. 16.51 (7).

21 SECTION 3. 20.435 (3) (c) of the statutes is created to read:

22 20.435 (3) (c) Reimbursement claims of counties containing secured correctional
23 facilities. A sum sufficient to pay all valid claims made by county clerks of counties
24 containing state juvenile correctional institutions as provided in s. 16.51 (7).

25 **SECTION 4.** 59.175 of the statutes is amended to read:

1	59.175 Clerks of counties containing state institutions to make claims
2	in certain cases. The county clerk of any county which is entitled to reimbursement
3	under s. 16.51 (7) shall make a certified claim against the state, without direction
4	from the county board, in all cases where the reimbursement is directed in that
5	subsection, upon forms prescribed by the department of administration. The forms
6	shall contain information required by the clerk and shall be filed annually <del>with the</del>
7	department of corrections on or before June 1. If the claim is for reimbursement of
8	expenses involving a prisoner in a state prison, as defined in s. 302.01, the form shall
9	be filed with the department of corrections. If the claim is for reimbursement of
10	expenses involving a child in a secured correctional facility, as defined in s. 48.02
11	(15m), the form shall be filed with the department of health and social services. If
12	the claims are approved by the department of corrections <u>or the department of health</u>
13	and social services, they shall be certified to the department of administration and
14	paid from the appropriation <del>made by</del> <u>under</u> s. 20.410 (1) (c) <u>or 20.435 (3) (c)</u> .
15	SECTION 5. Initial applicability.
16	(1) This act first applies to expenses incurred on the effective date of this
17	subsection.
18	SECTION 6. Effective date.
19	(1) This act takes effect on July 1, 1995, or the day after publication, whichever
20	is later.
21	(END)

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