



HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT

February 1, 2016

TESTIMONY ON SENATE BILL 389

Thank you to Chairman Wanggard and the rest of the Senate Committee on Judiciary & Public Safety for the opportunity to testify on Senate Bill 389 relating to the reimbursement of counties for probationers, parolees, and persons on extended supervision who are placed with the county pending disposition of revocation proceedings.

Under current law, an individual who is believed to have violated the conditions of their probation, parole, or extended supervision may be held in a county jail pending charges.

The Wisconsin Department of Corrections (DOC) reimburses counties for housing and holding prisoners who have violated their conditions of probation, parole, or extended supervision. Statutorily, the DOC is to reimburse the counties at a rate of \$40/day. Statute also allows for these payments to be prorated if the appropriations cannot cover the cost.

The last time counties were paid at a rate of \$40/day was in 2004. The cost of housing these probation violators has gone up over time, but unfortunately, the rate at which they are reimbursed has varied. Over the last 10 years, counties have received a prorated rate of anywhere from \$28.08/day to \$32.55/day. This ability by the DOC to prorate this reimbursement has resulted in unpredictability and county taxpayers making up the difference for any shortfalls.

The bill addresses this unpredictability by giving DOC the flexibility to charge a reasonable fee as determined by the department to probationers, parolees, and those on extended supervision to partially reimburse the department for the costs of providing supervision services. This fee will in turn help with the cost of reimbursing the counties. The bill has no fiscal impact on the state and provides the agencies the flexibility of charging the individuals who are on probation, parole, or extended supervision.

The Wisconsin Counties Association is supportive of this bill. I am happy to take questions from committee members at this time.



MEMORANDUM

TO: Honorable Members of the Senate Committee on Judiciary and Public Safety

FROM: Kyle Christianson, Director of Government Affairs
Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs

DATE: February 1, 2016

SUBJECT: Support for Senate Bill 389

The Wisconsin Counties Association (WCA) supports Senate Bill 389, which has the potential to increase the reimbursement rate counties receive for probation and parole holds. Increased funding for county probation and parole hold reimbursements has been a priority of WCA and the Badger State Sheriff's Association for over a decade.

Under current law, an individual who is believed to have violated the conditions of probation, parole, or extended supervision may be held in a county jail pending disposition of the charges.

State statute sets the daily rate the Department of Corrections (DOC) pays counties for housing these prisoners at \$40; however, the statute allows the department to prorate the payments "if the budgeted amount for any fiscal year is insufficient to provide complete reimbursement at that rate."

According to DOC, counties have received the following daily payments in recent years:

Fiscal Year	Reimbursed Rate	Fiscal Year	Reimbursed Rate
2004	\$40.00	2010	\$28.20
2005	\$36.28	2011	\$29.93
2006	\$31.94	2012	\$32.02
2007	\$32.00	2013	\$32.55
2008	\$29.18	2014	\$32.84
2009	\$28.08	2015	\$35.84

SB 389 would potentially increase county reimbursement for probation and parole holds by supplementing the appropriation with revenue generated from supervision fees DOC assesses to individuals on probation, parole, or extended supervision. The bill states that the transfer from the supervision fee account to probation and parole hold reimbursements would only occur after DOC pays all costs incurred for individuals on probation, parole, or extended supervision.

While SB 389 does not require DOC to reimburse counties at the statutorily required \$40 per day—it still allows for the proration of the reimbursement—the bill has the potential to do so. In fact, if this legislation were enacted in 2015, counties would have received \$40 per day in reimbursements.

According to county sheriffs, reimbursing counties at \$40 per day will have a significant impact on local sheriffs' offices and their budgets. Currently, counties are being forced to devote property tax levy to house these state prisoners, as jail and associated medical costs often exceed the amount counties receive in reimbursement from the state.

WCA respectfully requests the committee support SB 389. Please do not hesitate to contact WCA if you have any questions.

Thank you for considering our comments.