



WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

October 31, 2017

To: The Assembly Committee on Corrections
From: Rep. Rob Hutton
Re: Assembly Bill 294

Testimony of Rep. Rob Hutton in Support of Assembly Bill 294

Thank you Chairman Schraa and members of the Committee on Corrections for the public hearing on AB 294. This legislation was crafted, last session, with the collaborative effort of the Department of Corrections (DOC), Milwaukee Medical Examiner, and Waukesha Medical Examiner. AB 294 updates our statutes to reflect current needs by allowing for the option of cremation instead of burial in cases of unclaimed persons in our prisons or local governments.

Under current law, if an inmate passes while incarcerated DOC must notify the family and allow for the family to claim the body for final disposition. If the deceased is not claimed, DOC may deliver the body to a medical college, school of mortuary science, or bury the body. Similarly, if a deceased person is claimed by County Medical Examiners they must make a reasonable attempt to identify and notify the deceased's family. Current law also states that a public officer is prevented from cremating the deceased. In both of these scenarios, which comprise a majority, if not all, cases of unclaimed persons, if the agency is unable to identify a relative to notify or the relatives do not want to claim the deceased then each agency must absorb all costs associated with the transportation and burial. Any funds in the deceased's estate are then written to the relative or next of kin.

This legislation repeals the statute that prohibits public officers from cremating unclaimed persons. Further, it clarifies that any funds in the estate of the deceased may be used to cover any associated costs provided no restitution is owed. This will allow public officers to handle unclaimed persons as they deem appropriate to meet departmental needs. We have also provided safeguards in this legislation by creating a prohibition of cremating unclaimed persons due to homicide to prevent potential destruction of evidence.

I appreciate your time in hearing my testimony. The Department of Corrections has people here to help answer any technical questions surrounding this issue. I am happy to address any questions you have at this time.



Van H. Wanggaard

Wisconsin State Senator

October 31, 2017

Testimony on Assembly Bill 294

Thank you Chairman Schraa and committee members for hearing Assembly Bill 294 (AB 294) today. This bill makes changes to procedures that the Department of Corrections (DOC) must follow when an inmate dies and is not claimed. This bill was brought forth by the Department of Corrections as a cost-saving measure last session, but was introduced late in the session and therefore did not pass due to time constraints.

Under current law, when an incarcerated inmate dies the DOC must notify the relatives and allow them the opportunity to claim the body so they may arrange funeral services. If a body is not claimed, the DOC can provide it to a medical college, school of mortuary science, or bury it, but is prohibited from cremating it. The costs of these measures are incurred by the department, even when money is left in the inmate's canteen account or estate. Instead, these funds must be disbursed to their next of kin.

Under AB 294, the Department of Corrections and other government officials would be given the option of cremating unclaimed deceased inmates, and would be able to do so using the funds from the canteen account and estate. If the inmate was paying restitution, however, the funds must be applied to the remainder first until it is paid in full. Cremation, on average, is roughly \$750 cheaper than burial. This change could result in savings of \$8,600 annually as estimated by the DOC.

The bill clarifies that this cremation process is strictly prohibited in order to retain important evidence in cases of homicide.

These changes will maintain the integrity of the deceased inmate while generating savings for the department. I encourage you to support its passage.

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