

JULIAN BRADLEY
WISCONSIN STATE SENATOR

Senate Committee on Judiciary and Public Safety

Thursday, April 29, 2021

Senate Bill 236

Chairman Wanggaard and committee members, thank you for taking the time to hear testimony on Senate Bill 236.

Over the last year, the federal government issued stimulus payments to help those harmed by COVID-19 with the goal of assisting Americans who had lost their jobs or seen their hours cut at work.

In March, Senators Tom Cotton and Bill Cassidy offered an amendment to the \$1.9 trillion federal stimulus bill to ensure illegal immigrants and violent criminals in prison wouldn't be able to receive the \$1,400 checks. It was a good amendment, but unfortunately, it failed.

So, now the federal government's stimulus package will send stimulus checks to imprisoned murderers, rapists, and child molesters even though they did not face the same economic challenges as other Wisconsinites.

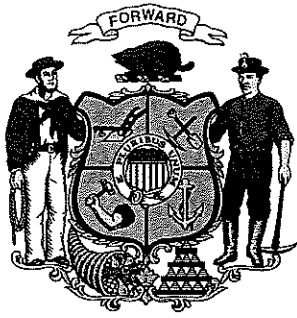
State Rep. Joe Sanfelippo and I have brought forward Senate Bill 236 to ensure victims get paid for their pain before criminals get to spend stimulus dollars to benefit themselves.

Unfortunately, some people have already called this bill racist because they seem to be more worried about criminals than victims. But I'd like to remind committee members that a highly disproportionate number of crime victims are nonwhite. Last year in Milwaukee, for example, 74% of homicide victims were black. This year, that number is at 92%. Yet, only about 39% of Milwaukee residents are black. Statewide in Wisconsin, black people accounted for 18% of all sexual assault victims in 2019, but we only make up about 7% of the population.

I remain hopeful that we can work together in a bipartisan manner as we do our part to help make victims whole. We should all stand behind those men and women who have been terrorized by perpetrators who have demonstrated that they have no regard for law and order.

While many stimulus checks have already been sent by the federal government and received by those in prison, Rep. Sanfelippo and I are working on an amendment to this bill to make this an ongoing policy for federal stimulus dollars, especially as talks ramp up about another potential stimulus.

Thank you for your time to consider this bill. Please let me know if I can help answer any of your questions.



Wisconsin Department of Corrections

Governor Tony Evers | Secretary Kevin A. Carr

Testimony for SB236/AB219 – Directing COVID federal rebates to be paid to restitution by a person who is incarcerated.

Senate Committee on Judiciary and Public Safety

Thursday, April 29, 2021

Good Morning Chairperson Wanggaard and committee members. Thank you for the opportunity to provide testimony for information only on SB236/AB219.

This bill requires that any COVID-19 related recovery checks from the federal government to any person who is incarcerated shall be applied first to victim restitution, and satisfy any restitution, if the person has been ordered by the courts to pay restitution.

The goal of my testimony today is to provide the committee with a high-level overview on the very complex process the DOC implements to comply with state and federal law when handling monies for persons in our care.

The DOC has a statutory duty to assess and authority to collect statutorily mandated obligations from wages or other monies received by persons in our care while they are incarcerated. This means that when the DOC receives money on behalf of people in our care, state statute gives the DOC authority to pay certain obligations owed by those in our care.

Once a person is placed at their permanent facility, the DOC will begin paying owed obligations when money is received on behalf of that person. The DOC will create a trust account for each person in our care, and much like a bank account, wages and any money sent in from family or others is deposited into this account. This includes any checks sent to the DOC from the federal government as well. People in our care can also withdraw money from these accounts to send money out to family and friends, to make purchases in the canteen or from the various preapproved catalogs for items they may use while incarcerated.

State statute authorizes the DOC to collect a percentage for certain obligations, and our policy lays out a prioritization schedule to pay those obligations in manner that complies with the law. As I'm sure you can imagine, many times people in our care will have several mandated obligations they owe which can include but are not limited to victim restitution, surcharge fees, child support, legal fees, debts, etc. Therefore, as money is deposited into a person's trust account, the DOC will follow this prioritization schedule to pay those statutorily mandated obligations. The authority to collect and pay a percentage of money owed, includes victim restitution. 2015 Act 355 made a variety of changes to the way restitution is collected and as a result, the DOC increased the percentage to collect for victim restitution from 25% to 50%. Additionally, the DOC will not collect other court ordered obligations until restitution is paid.

Specific to the Economic Stimulus Payments (EIP) from the federal government in response to COVID-19, the DOC worked closely with the IRS to ensure we followed the law. To date, there have been three payments – two under former President Trump, and one under President Biden. Each EIP was defined in

separate Acts, and therefore had specific rules. For example, the first EIP was subject to state and local garnishments, and so deductions were taken from treasury checks received at the institution in accordance with our policy. Based upon the way the law was written for the second EIP, deductions were not allowed. And, in the latest iteration, deductions were authorized in the third EIP payment under The American Rescue Plan Act of 2021 and once again, the DOC took deductions wherever money was received in accordance with our policy.

In summary, the DOC will always work with our partners to ensure we comply with the law and we will fulfill our statutory duties to pay out restitution where we can. While the DOC will work diligently to assess and collect monies, as authorized in state statute, to pay mandated obligations in accordance with our policies, we can only do so with money that we receive on behalf of those in our care. We cannot retroactively enforce obligations and we can only control the money we receive at our institutions on behalf of the persons in our care.

Thank you for your time. I will do my best to answer any questions you may have, however if I don't have the answers here today, I will follow up with your office some time after today.