

BTL:jal;

10/23/2012

1       **AN ACT** *to create* 16.964 (19) and 20.505 (6) (kw) of the statutes; **relating to:** a  
 2           county correctional facility disabled offender economic security pilot program, and  
 3           making an appropriation.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the Joint Legislative Council’s Special Committee on Review of Emergency Detention and Admission of Minors Under Chapter 51.

The bill creates a pilot program to assist offenders with physical or developmental disabilities in county correctional facilities. Specifically, the pilot program will assist the offenders in obtaining the following benefits to enhance their economic security upon release from the facility: social security disability insurance, supplemental security income, and medical assistance, including any applicable medical assistance–related programs. Under the bill, a “county correctional facility” means a county jail, house of correction, or rehabilitation facility, whether operated by one county or more than one county. Also, under the bill, a county correctional facility may include a state–local shared correctional facility.

The bill directs the office of justice assistance (OJA) to seek funding for the pilot program and, after at least \$300,000 in funding has been obtained, to make grants to up to four counties to administer the pilot program. The bill provides that grants made to counties may not supplant existing local resources.

Under the bill, a county may be eligible for a grant award if the county’s pilot program will:

1. Identify offenders with physical or developmental disabilities in county correctional facilities who may be eligible for, and wish to apply for, the targeted benefit programs.
2. Provide individualized assistance to the offenders in applying for targeted benefit programs to allow the offender to receive the benefits immediately upon the date of the offender’s release.

3. Include coordination among the county, law enforcement, the department of corrections (DOC), the department of health services (DHS), and the social security administration to reduce application processing times and increase application success rates.

4. Operate for at least 2 years and include performance outcome measurements and data collection to allow for the evaluations that are required under the bill.

The bill also allows OJA to establish additional eligibility requirements, criteria, and procedures that a county must meet in order to be eligible for the program. OJA must collaborate with DOC and DHS in establishing eligibility criteria, selecting grantees, determining amounts awarded, and administering the grant program generally. The bill expressly provides that OJA is not required to promulgate administrative rules in establishing criteria for the grant program.

Under the bill, a county that receives a grant for a pilot program must create an oversight committee to advise the county in administering and evaluating the pilot program, consisting of: (1) a representative of the county; (2) the county sheriff or his or her designee; (3) a representative of the county health department; (4) one or more representatives from private social services agencies; and (5) other members to be determined by the county. The bill provides that DOC and DHS may participate in the activities of the oversight committee and must provide consultation services to the oversight committee.

The bill allows 2 or more counties to administer a joint pilot program. The bill provides that counties applying jointly must submit a written agreement specifying each county department's role in the program, and if a joint pilot program is created, the oversight committee must consist of representatives from each county.

The bill requires pilot program grants to be awarded on a calendar year basis, and grantees must get notice of funding no later than September 1 of the year preceding the year for which the grant will be made.

Under the bill, a county that receives a grant for a pilot program must comply with state audits. In addition, the county, in collaboration with DOC, DHS, and the oversight committee, must conduct a preliminary evaluation of the pilot program as of the conclusion of the first year, and a comprehensive evaluation of the pilot program as of the conclusion of the second year. Both evaluations must provide an assessment of the pilot program's operations, including its success at achieving the goals of the program as outlined in the bill. The preliminary evaluation must be submitted in writing to OJA and each member of the oversight committee by the February 15 following the conclusion of the first year.

The comprehensive evaluation must be submitted in writing to the same recipients by the February 28 following the conclusion of the second year.

Under the bill, by March 15 of each year in which a pilot program is in operation, OJA must, in collaboration with DOC and DHS, submit a report to the legislature summarizing the results of all pilot program evaluations and including recommendations regarding how the program should be structured in the future.

The bill specifies that most of its provisions would take effect the day after its publication as an act; however, the requirement that OJA award grants to counties to administer the pilot program would not take effect until after OJA receives at least \$300,000 in funding for the program.

1           **SECTION 1.** 16.964 (19) of the statutes is created to read:

2           16.964(19) COUNTY DISABLED OFFENDER ECONOMIC SECURITY PILOT PROGRAM. (a) In this  
3 subsection, “county correctional facility” means a county jail, a county house of correction,  
4 or a rehabilitation facility established under s. 59.53 (8), whether operated by one county or  
5 more than one county. A county correctional facility may include a state–local shared  
6 correctional facility under s. 302.45.

7           (b) The office shall seek grant moneys from the state, a political subdivision of the state,  
8 the federal government, or any other source, public or private, for the administration of a pilot  
9 program to enhance economic security of offenders with physical or developmental  
10 disabilities who are released from county correctional facilities, in accordance with this  
11 subsection.

12           (c) The office shall make grants to up to 4 counties to enable them to establish a pilot  
13 program in accordance with this subsection. The office shall make the grants from the  
14 appropriation under s. 20.505 (6) (kw). The office shall collaborate with the departments of  
15 corrections and health services in establishing this grant program, including in developing  
16 criteria and procedures for use in selecting grantees, in determining amounts awarded, and in

1 administering the grant program. Notwithstanding s. 227.10 (1), the criteria and procedures  
2 need not be promulgated as rules under ch. 227. The grant that a county receives under this  
3 subsection may not supplant existing local resources.

4 (d) A county shall be eligible for a grant award under par. (c) if all of the following apply  
5 to the county's pilot program:

6 1. The pilot program will identify offenders with physical or developmental  
7 disabilities, within county correctional facilities in the pilot program's geographic area, who  
8 may be eligible for, and wish to apply for, programs or benefits to enhance the economic  
9 security of the offender upon release from the county correctional facility. The programs and  
10 benefits shall include social security disability insurance, supplemental security income, and  
11 medical assistance, including any applicable medical assistance-related programs.

12 2. The pilot program will provide individualized assistance to offenders identified  
13 under subd. 1. to ensure that timely application is made for the programs or benefits, prior to  
14 the offender's release, in order to allow the offender to participate in or receive the programs  
15 or benefits immediately upon the date of the offender's release from the county correctional  
16 facility.

17 3. The pilot program is adequately structured to include coordination among the county  
18 or counties involved in the program, law enforcement, the department of corrections, the  
19 department of health services, and the social security administration, to reduce application  
20 processing times and increase application success rates.

21 4. The pilot program is designed to operate for at least 2 years and includes performance  
22 outcome measurements and data collection to allow for the evaluations described in subd. (e)

23 2.

1           5. The county complies with other eligibility requirements, criteria, and procedures  
2 established by the office, in collaboration with the departments of corrections and health  
3 services, under par. (c).

4           (e) 1. A county that receives a grant under this subsection shall create an oversight  
5 committee to advise the county in administering and evaluating its pilot program. Each  
6 committee shall consist of a representative of the county, the county sheriff or his or her  
7 designee, a representative of the county health department, one or more representatives from  
8 private social services agencies, and other members to be determined by the county. The  
9 departments of corrections and health services may participate in the activities of and shall  
10 provide ongoing consultation services to an oversight committee created under this  
11 subdivision.

12           2. A county that receives a grant under this subsection shall comply with state audits  
13 and shall, in collaboration with the departments of corrections and health services and the  
14 oversight committee established under subd. 1.:

15           a. As of the conclusion of the pilot program's first year, conduct a preliminary  
16 evaluation of the pilot program's operations, including its success at achieving the goals  
17 outlined in par. (d); and, as of the 15th of February following the conclusion of the first year,  
18 provide the results of the preliminary evaluation in writing to the office and each member of  
19 the oversight committee established under subd. 1.

20           b. As of the conclusion of the pilot program's second year, and any subsequent year,  
21 conduct a comprehensive evaluation of the pilot program's operations, including its success  
22 at achieving the goals outlined in par. (d); and, as of the 28th of February following the  
23 conclusion of that year, provide the results of the comprehensive evaluation in writing to the  
24 office and each member of the oversight committee established under subd. 1.

1           3. By March 15 of any year in which a pilot program under this subsection is in  
2 operation, the office, in collaboration with the departments of corrections and health services,  
3 shall submit a report to the chief clerk of each house of the legislature, for distribution to the  
4 appropriate standing committees under s. 13.172 (3), regarding the status of the grant  
5 program. The report shall summarize the results of the evaluation under subd. 2. and include  
6 recommendations regarding how the program should be structured in the future.

7           (f) Two or more counties may jointly apply for and receive a grant under this subsection.  
8 If counties apply jointly, they shall provide to the office a written agreement specifying each  
9 county department's role in developing, administering, and evaluating the program. In the  
10 event of a joint pilot program, the oversight committee established under par. (e) 1. shall  
11 consist of representatives from each county.

12           (g) Grants provided under this subsection shall be provided on a calendar year basis.  
13 If the office decides to make a grant to a county under this subsection, the office shall notify  
14 the county of its decision and the amount of the grant no later than September 1 of the year  
15 preceding the year for which the grant will be made.

16           **SECTION 2.** 20.505 (6) (kw) of the statutes is created to read:

17           20.505 (6) (kw) *County disabled offender economic security grants.* All moneys  
18 received under s. 16.964 (19) (b) to provide grants to one or more counties under s. 16.946 (19)  
19 (c) for a pilot program to increase economic security of offenders with physical or  
20 developmental disabilities who are released from county correctional facilities.

21           **SECTION 3. Effective dates.** This act takes effect on the day after publication, except  
22 that the treatment of s. 16.946 (19) (c) of the statutes shall take effect on the first day after the

1 office of justice assistance receives at least \$300,000 in funding under s. 16.946 (19) (b) of  
2 the statutes, as created by this act.

3 (END)