

BTL:jal;

1/2/2013

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 recidivism reduction pilot program,  
3       and 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 eligible offenders in county correctional facilities. The pilot program will assist the offenders in obtaining certain benefits upon their release from the facility to help reduce recidivism after release. Under the bill, an "eligible offender" means an incarcerated person who was previously eligible for or who may, upon release, become eligible for, social security disability insurance (SSDI), supplemental security income (SSI), or medical assistance (MA), including any applicable MA-related program. 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 eligible offenders in county correctional facilities who wish to apply for the targeted benefit programs.
2. Provide individualized assistance to the offenders in applying for the 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 human services department, social services department, or community programs department; (4) one or more representatives from private service organizations; (5) one or more consumers with program eligibility experience; and (6) other members to be determined by the county. Under the bill, a “consumer with program eligibility experience” means an individual who previously obtained eligibility for SSDI or SSI, as applicable, and MA or an applicable MA-related program, or a member of the family of an individual who previously obtained eligibility for those programs. 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 the March 15 following 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 RECIDIVISM REDUCTION PILOT PROGRAM. (a) In  
3       this subsection:

4       1. "Consumer with program eligibility experience" means either of the following:

5       a. An individual who previously obtained eligibility for social security disability  
6       insurance or supplemental security income, and who previously obtained eligibility for  
7       medical assistance, including any applicable medical assistance-related program.

8       b. A member of the family of an individual who previously obtained eligibility for social  
9       security disability insurance or supplemental security income, and who previously obtained  
10      eligibility for medical assistance, including any applicable medical assistance-related  
11      program.

12      2. "County correctional facility" means a county jail, a county house of correction, or  
13      a rehabilitation facility established under s. 59.53 (8), whether operated by one county or more

1 than one county. A county correctional facility may include a state-local shared correctional  
2 facility under s. 302.45.

3 “County department” means a county department under s. 46.215, 46.22, 46.23, 51.42,  
4 or 51.437.

5 3. “Eligible offender” means an incarcerated person who was previously eligible for or  
6 who may, upon release, become eligible for social security disability insurance, supplemental  
7 security income, or medical assistance, including any applicable medical assistance-related  
8 program.

9 (b) The office shall seek grant moneys from the state, a political subdivision of the state,  
10 the federal government, or any other source, public or private, for the administration of a pilot  
11 program to reduce recidivism of eligible offenders who are released from county correctional  
12 facilities, in accordance with this subsection.

13 (c) The office shall make grants to up to 4 counties to enable them to establish a pilot  
14 program in accordance with this subsection. The office shall make the grants from the  
15 appropriation under s. 20.505 (6) (kw). The office shall collaborate with the departments of  
16 corrections and health services in establishing this grant program, including in developing  
17 criteria and procedures for use in selecting grantees, in determining amounts awarded, and in  
18 administering the grant program. Notwithstanding s. 227.10 (1), the criteria and procedures  
19 need not be promulgated as rules under ch. 227. The grant that a county receives under this  
20 subsection may not supplant existing local resources.

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

23 1. The pilot program will identify eligible offenders within county correctional  
24 facilities in the pilot program’s geographic area, who wish to apply for social security

1 disability insurance, supplemental security income, or medical assistance, including any  
2 applicable medical assistance–related programs.

3 2. The pilot program will provide individualized assistance to offenders identified  
4 under subd. 1. to ensure that timely application is made for the programs or benefits, prior to  
5 the offender’s release, in order to allow the offender to participate in or receive the programs  
6 or benefits immediately upon the date of the offender’s release from the county correctional  
7 facility.

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

12 4. The pilot program is designed to operate for at least 2 years and includes performance  
13 outcome measurements and data collection to allow for the evaluations described in subd. (e)  
14 2.

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

18 (e) 1. A county that receives a grant under this subsection shall create an oversight  
19 committee to advise the county in administering and evaluating its pilot program. Each  
20 committee shall consist of a representative of the county; the county sheriff or his or her  
21 designee; a representative of the county department; one or more representatives from private  
22 service organizations; one or more consumers with program eligibility experience; and other  
23 members to be determined by the county. The departments of corrections and health services

1 may participate in the activities of and shall provide ongoing consultation services to an  
2 oversight committee created under this subdivision.

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

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

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

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

22 (f) Two or more counties may jointly apply for and receive a grant under this subsection.  
23 If counties apply jointly, they shall provide to the office a written agreement specifying each  
24 county department's role in developing, administering, and evaluating the program. In the

1 event of a joint pilot program, the oversight committee established under par. (e) 1. shall  
2 consist of representatives from each county.

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

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

8 20.505 (6) (kw) *County disabled offender recidivism reduction grants.* All moneys  
9 received under s. 16.964 (19) (b) to provide grants to one or more counties under s. 16.946 (19)  
10 (c) for a pilot program to reduce recidivism of eligible offenders who are released from county  
11 correctional facilities.

12 **SECTION 3. Effective dates.** This act takes effect on the day after publication, except  
13 that the treatment of s. 16.946 (19) (c) of the statutes shall take effect on the first day after the  
14 office of justice assistance receives at least \$300,000 in funding under s. 16.946 (19) (b) of  
15 the statutes, as created by this act.

16 (END)