

CORRECTIONS

| Budget Summary | | | | | | | |
|-----------------------|------------------------------|------------------------|------------------------|------------------------|------------------------|---|-------------|
| Fund | 2022-23 Base Year Doubled | 2023-25 Governor | 2023-25 Jt. Finance | 2023-25 Legislature | 2023-25 Act 19 | Act 19 Change Over Base Year Doubled | |
| | | | | | | Amount | Percent |
| GPR | \$2,690,131,600 | \$2,828,858,100 | \$2,762,538,500 | \$2,762,538,500 | \$2,762,538,500 | \$72,406,900 | 2.7% |
| FED | 5,334,400 | 5,333,400 | 5,333,400 | 5,333,400 | 5,333,400 | - 1,000 | 0.0 |
| PR | <u>248,802,800</u> | <u>276,292,100</u> | <u>277,237,600</u> | <u>277,237,600</u> | <u>277,237,600</u> | <u>28,434,800</u> | 11.4 |
| TOTAL | \$2,944,268,800 | \$3,110,483,600 | \$3,045,109,500 | \$3,045,109,500 | \$3,045,109,500 | \$100,840,700 | 3.4% |

| FTE Position Summary | | | | | | |
|-----------------------------|------------------|---------------------|------------------------|------------------------|-------------------|-------------------|
| Fund | 2022-23 Base | 2024-25 Governor | 2024-25 Jt. Finance | 2024-25 Legislature | 2024-25 Act 19 | Act 19 Change |
| | | | | | | Over 2022-23 Base |
| GPR | 9,716.22 | 9,725.52 | 9,615.22 | 9,615.22 | 9,615.22 | - 101.00 |
| FED | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 0.00 |
| PR | <u>544.30</u> | <u>536.60</u> | <u>544.30</u> | <u>544.30</u> | <u>544.30</u> | <u>0.00</u> |
| TOTAL | 10,261.52 | 10,263.12 | 10,160.52 | 10,160.52 | 10,160.52 | - 101.00 |

Budget Change Items

Departmentwide

1. STANDARD BUDGET ADJUSTMENTS [LFB Paper 105]

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|--------------|----------------------------|-----------------------------------|--------------------|
| GPR | \$12,138,000 | - \$4,292,600 | \$7,845,400 |
| FED | - 1,000 | 0 | - 1,000 |
| PR | <u>1,135,200</u> | <u>- 157,600</u> | <u>977,600</u> |
| Total | \$13,272,200 | - \$4,450,200 | \$8,822,000 |

Governor: Provide adjustments to the base totaling \$6,069,000 GPR, -\$500 FED, and \$567,600 PR annually. Adjustments are for: (a) turnover reduction (-\$13,646,800 GPR and

-\$489,500 PR annually); (b) full funding of salaries and fringe benefits (-\$67,820,100 GPR, -\$500 FED and -\$1,374,200 PR annually); (c) night and weekend differential (\$10,151,800 GPR and \$325,200 PR annually); and (d) overtime (\$77,384,100 GPR and \$2,106,100 PR annually). It should be noted that all costs associated with overtime and night and weekend differential are removed in the calculation of full funding of salaries and fringe benefits. [See Item #2, "Overtime Supplement."]

In addition, request minor transfers of classified positions within the Department of Corrections' adult and juvenile general program operations appropriations, the services for community corrections appropriation, the Becky Young community corrections; recidivism reduction community services appropriation, the correctional farms appropriation, the prison industries appropriation, the interagency and intra-agency programs appropriation, the juvenile operations appropriation, and the juvenile community supervision appropriation.

Joint Finance/Legislature: Modify the overtime standard budget adjustment funding by \$889,700 GPR and \$18,800 PR annually to correct inadvertent calculation errors in the bill. [In total, standard budget adjustment overtime is \$78,273,800 GPR and \$2,124,900 PR annually.] In addition, increase the rate used to calculate turnover reduction from 3% to 5% for all appropriations subject to a 3% turnover rate. Reduce funding under the turnover reduction standard budget adjustment by -\$3,036,000 GPR and -\$97,600 PR annually. [In total, turnover reduction is -\$16,682,800 GPR and -\$587,100 PR annually.]

2. OVERTIME SUPPLEMENT [LFB Paper 290]

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|-------|------------------------------------|---|-------------------|
| GPR | \$94,879,400 | - \$64,879,400 | \$30,000,000 |
| PR | <u>519,000</u> | <u>132,000</u> | <u>651,000</u> |
| Total | \$95,398,400 | - \$64,747,400 | \$30,651,000 |

Governor: Provide \$47,439,700 GPR and \$259,500 PR annually for an overtime supplement. Under standard budget adjustments each budget cycle, all funding associated with overtime is removed in the calculations of full funding of salaries and fringe benefits. The budget instructions related to overtime specify that the same dollar amounts only be restored through the standard budget adjustment for overtime. As a result, the bill provides overtime in the amount provided for the prior biennium, adjusted by the new variable fringe rate (\$77,384,100 GPR and \$2,106,100 PR annually). Based on 2021-22 actual hours, the bill provides supplemental funding of \$47,439,700 GPR and \$259,500 PR annually. In total, the bill provides \$124,823,800 GPR and \$2,365,600 PR annually to fund costs associated with overtime. Note that the cost of actual hours used to calculate overtime include compensation incentives implemented in the 2021-23 biennium, where applicable, as well as proposed pay increases in the 2023-25 biennium [See "Budget Management and Compensation Reserves."]

Joint Finance/Legislature: Modify funding by -\$32,439,700 GPR and \$66,000 PR annually to provide \$15,000,000 GPR and \$325,500 PR annually as an overtime supplement.

[Total overtime funding, including standard budget adjustments, is \$93,273,800 GPR and \$2,450,400 PR annually.]

3. FUNDING FOR CONTINUED ADD-ON PAY TO RECRUIT AND RETAIN CERTAIN POSITIONS [LFB Paper 220]

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|-------|------------------------------------|---|-------------------|
| GPR | \$3,648,100 | - \$3,648,100 | \$0 |
| PR | <u>136,300</u> | <u>- 136,300</u> | <u>0</u> |
| Total | \$3,784,400 | - \$3,784,400 | \$0 |

Governor: Provide \$1,858,400 GPR and \$69,400 PR in 2023-24 and \$1,789,700 GPR and \$66,900 PR in 2024-25 to continue add-ons for non-security positions implemented in the 2021-23 biennium. Specifically, the funding is intended to allow the Department to extend: (a) a \$5 per hour add-on for nurse clinicians, nurse clinicians 2-weekend, licensed practical nurses, and nursing assistants 3 at certain institutions; (b) a \$3 per hour add-on for nurse clinicians working weekend shifts at certain institutions; and (c) a \$3 per hour add-on for teachers at Lincoln Hills School and Copper Lake School. [For continued add-on pay for security staff, see "Budget Management and Compensation Reserves."]

Joint Finance/Legislature: Modify provision to instead provide funding to compensation reserves in the amounts included in AB 43/SB 70, less a 5% reduction associated with a higher than usual level of position vacancies, to continue supplemental pilot add-on pay to address severe recruitment and retention issues. [See "Budget Management and Compensation Reserves."]

4. STAFF RECRUITMENT [LFB Paper 291]

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|-----|------------------------------------|---|-------------------|
| GPR | \$370,000 | - \$370,000 | \$0 |

Governor: Provide \$185,000 annually for resources to assist with recruiting and hiring staff to fill vacant positions. Specific recruitment strategies may include the use of billboards and/or print, broadcast and social media advertisements.

Joint Finance/Legislature: Provision not included.

5. DEBT SERVICE REESTIMATE [LFB Paper 106]

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|-------|------------------------------------|---|-------------------|
| GPR | -\$13,756,000 | \$14,400,400 | \$644,400 |
| PR | <u>-\$84,100</u> | <u>0</u> | <u>-\$84,100</u> |
| Total | -\$13,840,100 | \$14,400,400 | \$560,300 |

Governor: Adjust funding by -\$6,421,900 GPR and -\$43,600 PR in 2023-24 and -\$7,334,100 GPR and -\$40,500 PR in 2024-25 to reflect the current law estimate of debt service costs. The reestimate includes: (a) adult corrections (-\$5,663,700 GPR and -\$43,600 PR in 2023-24 and -\$7,139,100 GPR and -\$40,500 PR in 2024-25); and (b) juvenile corrections (-\$758,200 GPR in 2023-24 and -\$195,000 GPR in 2024-25).

Joint Finance/Legislature: Modify funding by \$3,119,500 GPR in 2023-24 and \$11,280,900 GPR in 2024-25 to adjust funding by -\$3,302,400 GPR and -\$43,600 PR in 2023-24 and \$3,946,800 GPR and -\$40,500 PR in 2024-25 to reflect current debt service costs.

6. RENT

Governor/Legislature: Provide an adjustment of -\$592,700 GPR and \$34,000 PR in 2023-24 and -\$278,700 GPR and \$44,600 PR in 2024-25 for departmentwide rent expenses and related supplies and services expenses.

| | |
|-------|---------------|
| GPR | -\$871,400 |
| PR | <u>78,600</u> |
| Total | -\$792,800 |

7. REALIGNMENT OF FUNDING AND POSITIONS

| | Governor (Chg. to Base) | | Jt. Finance/Leg. (Chg. to Gov) | | Net Change | |
|-------|------------------------------------|------------------|---|------------------|-------------------|------------------|
| | Funding | Positions | Funding | Positions | Funding | Positions |
| GPR | \$1,107,400 | 7.70 | -\$1,107,400 | -7.70 | \$0 | 0.00 |
| PR | <u>-1,107,400</u> | <u>-7.70</u> | <u>1,107,400</u> | <u>7.70</u> | <u>0</u> | <u>0.00</u> |
| Total | \$0 | 0.00 | \$0 | 0.00 | \$0 | 0.00 |

Governor: Adjust funding and positions between appropriations to reflect various organizational modifications within the Department. The adjustments include a reallocation of: (a) \$9,072,200 GPR and \$12,100 PR within the Secretary's Office to allow the Department to create budgetary subunits for the currently existing research unit, reentry unit, Prison Rape Elimination Act (PREA) unit, Office of Legal Counsel, Office of Internal Affairs, and Office of Public Information; (b) \$251,000 GPR from the general program operations appropriation (Bureau of Personnel and Human Resources) to the services for community corrections appropriation (Bureau of Personnel and Human Resources) to more accurately reflect human resource services by appropriation; (c) 8.0 GPR positions and associated funding (\$676,800 GPR) from the general programs operations appropriation to the services for community corrections appropriation related to a previous transfer of positions; (d) 7.70 PR positions and associated funding (\$553,700) to GPR positions and funding to account for a decrease in PR revenue, but an on-going utilization of the

positions; (e) \$490,000 GPR and 4.0 GPR positions to match the reallocation of the positions (and associated funding) from the Divisions of Community Corrections and Juvenile Justice to the Office of the Secretary in calendar year 2021; (f) \$11,200 GPR to provide supplies and services to previously transferred positions; and (g) \$2,210,300 GPR to align funding between the general program operations, the community corrections, and the purchased services for offenders appropriations to reflect actions in the 2021-23 budget.

| Division | Appropriation | Annual Funding | | Positions | |
|----------------------|--|-----------------|------------|--------------|-------|
| | | GPR | PR | GPR | PR |
| Adult Institutions | General Program Operations | \$1,508,500 | | -4.00 | |
| Adult Institutions | Services for Community Corrections | 1,507,100 | | 14.70 | |
| Adult Institutions | Purchased Services for Offenders | -2,078,300 | | | |
| Adult Institutions | Becky Young Community Corrections; Recidivism Reduction Community Services* | 0 | | | |
| Adult Institutions | Home Detention Services; Supervision | | -\$130,200 | | -2.20 |
| Adult Institutions | Administration of Restitution | | -423,500 | | -5.50 |
| Adult Institutions | Interagency and Intra-agency Programs* | | 0 | | |
| Juvenile Corrections | General Program Operations | <u>-383,600</u> | | <u>-3.00</u> | |
| | Total | \$553,700 | -\$553,700 | 7.70 | -7.70 |

*\$8,138,100 GPR would be transferred among programs within the Becky Young appropriation and \$12,100 PR would be transferred among programs within the interagency and intra-agency programs appropriation, with no funding or positions being added or removed from the appropriations in total.

Joint Finance/Legislature: Provision not included.

8. PROGRAM REVENUE REESTIMATES

| | |
|----|--------------|
| PR | \$19,479,300 |
|----|--------------|

Governor/Legislature: Provide \$9,575,800 in 2023-24 and \$9,903,500 in 2024-25 associated with funding adjustments identified in the table below. The table identifies the program revenue appropriations that would be affected by this item, by program area, the base funding amounts for these appropriations, the funding changes that would be made to those appropriations under this item and other items in 2023 Act 19, and the total funding that would be budgeted for these purposes under 2023 Act 19.

| Purpose | 2023-24 | | | | 2024-25 | | |
|-------------------------------------|-----------------|-----------------------|-----------------------|-------------|-----------------------|-----------------------|-------------|
| | 2022-23 Base | Funding Adjustment | Other Budget Items | Total | Funding Adjustment | Other Budget Items | Total |
| Badger State Logistics | \$8,605,400 | \$600,000 | \$60,800 | \$9,266,200 | \$600,000 | \$60,900 | \$9,266,300 |
| Canteen Operations | \$986,700 | 1,000,000 | 16,200 | 2,002,900 | 1,000,000 | 16,200 | 2,002,900 |
| Correctional Farms | \$7,879,700 | 1,600,000 | 299,900 | 9,779,600 | 1,600,000 | 300,300 | 9,780,000 |
| Prison Industries | 21,422,700 | 1,400,000 | 3,008,000 | 25,830,700 | 1,400,000 | 2,950,000 | 25,772,700 |
| Telephone Company Commissions | 3,404,600 | 1,000,000 | 0 | 4,404,600 | 1,000,000 | 0 | 4,404,600 |
| General Operations | 7,270,000 | 1,000,000 | -7,200 | 8,262,800 | 1,000,000 | -7,200 | 8,262,800 |
| Probation, Parole, Ext. Supervision | 9,302,800 | 2,000,000 | 14,600 | 11,317,400 | 2,000,000 | 14,600 | 11,317,400 |
| Juvenile Alternate Care Services | 2,752,800 | 741,000 | 0 | 3,493,800 | 913,600 | 0 | 3,666,400 |
| Juvenile Utilities & Heating | 371,800 | <u>234,800</u> | 0 | 606,600 | <u>389,900</u> | 0 | 761,700 |
| Total PR Reestimates | | \$9,575,800 | | | \$9,903,500 | | |

9. REGIONAL FACILITIES MAINTENANCE TEAM

| | Governor (Chg. to Base) Funding Positions | | Jt. Finance/Leg. (Chg. to Gov) Funding Positions | | Net Change Funding Positions | |
|-----|--|------|---|--------|---|------|
| GPR | \$1,903,900 | 6.00 | -\$1,093,900 | - 6.00 | \$0 | 0.00 |

Governor: Provide \$527,900 in 2023-24, \$566,000 in 2024-25, and 6.0 positions annually to create and operate a regional facilities maintenance team to support departmentwide projects outside the scope of routine maintenance. The team would travel from site-to-site and include: (a) 1.0 buildings grounds supervisor; (b) 1.0 facilities maintenance specialist; (c) 1.0 HVAC/refrigeration specialist; (d) 1.0 electrician; (e) 1.0 plumber; and (f) 1.0 electronic technician security.

Joint Finance/Legislature: Provision not included.

10. BUREAU OF TRAINING AND STAFF DEVELOPMENT

| | Governor (Chg. to Base) Funding Positions | | Jt. Finance/Leg. (Chg. to Gov) Funding Positions | | Net Change Funding Positions | |
|-----|--|------|---|--------|---|------|
| GPR | \$815,700 | 5.00 | -\$815,700 | - 5.00 | \$0 | 0.00 |

Governor: Provide \$386,400 in 2023-24, \$429,300 in 2024-25, and 5.0 positions (4.0 staff development program specialists - senior and 1.0 staff development supervisor) annually to create and operate a new Bureau of Training and Staff Development team, with a focus on leadership development, cultural competency, and diversity awareness.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

11. BUREAU OF TECHNOLOGY MANAGEMENT [LFB Paper 292]

| | Governor (Chg. to Base) Funding Positions | | Jt. Finance/Leg. (Chg. to Gov) Funding Positions | | Net Change Funding Positions | |
|-----|--|------|---|--------|---|------|
| GPR | \$998,100 | 5.00 | -\$998,100 | - 5.00 | \$0 | 0.00 |

Governor: Provide \$464,600 in 2023-24, \$533,500 in 2024-25, and 5.0 information systems technology services specialist positions annually for the Bureau of Technology and Management's Facilities Infrastructure and Innovative Technologies team to assist with Department initiatives such as modernizing surveillance systems and expanding wireless networks.

Joint Finance/Legislature: Provision not included.

12. CYBERSECURITY TEAM [LFB Paper 292]

| | Governor (Chg. to Base) | | Jt. Finance/Leg. (Chg. to Gov) | | Net Change | |
|-----|------------------------------------|------|---|------------------|--------------------------|------|
| | Funding Positions | | Funding | Positions | Funding Positions | |
| GPR | \$414,900 | 7.00 | -\$414,900 | - 7.00 | \$0 | 0.00 |

Governor: Provide \$192,200 in 2023-24, \$222,700 in 2024-25, and 7.0 positions annually to create a cybersecurity team in the Bureau of Technology Management. The position authority would include 6.0 information systems (IS) technical services specialists and 1.0 IS supervisor. The 7.0 permanent positions would replace 6.0 contractor positions the Department is currently using for cybersecurity-related responsibilities.

Joint Finance/Legislature: Provision not included.

13. AGENCY SUPPLIES AND SERVICES FUNDING INCREASE

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|-----|------------------------------------|---|-------------------|
| GPR | \$231,000 | -\$231,000 | \$0 |

Governor: Provide \$115,500 annually to increase agency supplies and services funding. According to the Administration, the amounts represent a 5% increase to supplies and services funding for certain annual GPR and SEG state operations appropriations. The proposed increases would be provided to appropriations that meet the following criteria: (a) in 2021-22, the agency expended 95% or more of the amount budgeted for supplies and services; and (b) for the 2023-25 biennium, no other additional supplies and services funding is being proposed for a similar purpose.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

14. EQUITY OFFICER POSITION

| | Governor (Chg. to Base) | | Jt. Finance/Leg. (Chg. to Gov) | | Net Change | |
|-----|------------------------------------|------|---|------------------|--------------------------|------|
| | Funding Positions | | Funding | Positions | Funding Positions | |
| GPR | \$175,100 | 1.00 | -\$175,100 | - 1.00 | \$0 | 0.00 |

Governor: Provide \$76,600 in 2023-24 and \$98,500 in 2024-25 and 1.0 position annually

to create an agency equity officer position. The agency equity officer would be responsible for collaborating with the chief equity officer in the Department of Administration and with other agency equity officers to identify opportunities to advance equity in government operations. [See "Administration -- General Agency Provisions."]

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

15. TRIBAL LIAISON POSITION

| | <u>Governor</u> <u>(Chg. to Base)</u> | | <u>Jt. Finance/Leg.</u> <u>(Chg. to Gov)</u> | | <u>Net Change</u> | |
|-----|--|------|---|-----------|-------------------|-----------|
| | Funding Positions | | Funding | Positions | Funding | Positions |
| GPR | \$151,900 | 1.00 | -\$151,900 | - 1.00 | \$0 | 0.00 |

Governor: Provide \$65,100 in 2023-24 and \$86,800 in 2024-25 and 1.0 position annually to create an agency tribal liaison position. The agency tribal liaison would be responsible for working with Native American tribes and bands on behalf of the agency, as well as coordinating with the Director of Native American Affairs in the Department of Administration. [See "Administration -- General Agency Provisions."]

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

16. PREGNANCY OR POSTPARTUM INDIVIDUALS IN CORRECTIONAL FACILITIES

Governor: Establish limits on the use of restraints on individuals in the custody of a correctional facility, known to be pregnant, unless a representative of a correctional facility makes an individualized determination that restraints are reasonably necessary to ensure safety and security, in which case the representative may use only the least restrictive effective type of restraint that is most reasonable under the circumstances. In addition, provide that a representative may not: (a) restrain an individual known to be pregnant with leg irons, waist chains, or other devices that cross or otherwise touch the individual's abdomen, or handcuffs or other devices that cross or otherwise touch the individual's wrists when affixed behind the back, while being transported; (b) confine an individual known to be pregnant in solitary confinement for punitive purposes; or (c) restrain an individual who is in labor or who has given birth in the preceding three days, unless specific circumstances are present. All staff who may come in contact with a pregnant or postpartum individual at a correctional facility must receive annual training on the requirements of this provision.

Further, provide that: (a) every woman under 50 years of age is offered testing for pregnancy; (b) every pregnant individual is offered testing for sexually transmitted infections (including HIV); (c) every pregnant individual on a methadone treatment regimen is provided

continuing treatment; (d) every pregnant individual and every individual who has given birth in the past six weeks is provided appropriate, relevant educational materials and resources, and has access to doula services, if there is no charge to the correctional facility; (e) every pregnant individual and every individual who has given birth in the past six months has access to a mental health assessment and evidence-based mental health treatment (including psychotropic medication and therapeutic care for depression), if needed, and is advised orally and in writing of all applicable laws and policies governing an incarcerated pregnant or postpartum person; and (f) every person who has given birth in the past 12 months whose body is producing breast milk has access to necessary supplies and has the opportunity to express breast milk, as needed.

For the purposes of the pregnant or postpartum individuals in correctional facilities provisions, provide the following definitions:

"Correctional facility" has the same meaning as provided elsewhere in statute ((a) a state prison, unless the institution is the prisoner's place of residence and no one is employed there to ensure the prisoner's incarceration; (b) a juvenile detention facility, a secured residential care center for children and youth, or a juvenile correctional facility, unless the facility is a private residence in which the juvenile is placed and no one is employed there to ensure the juvenile remains in custody; or (c) a jail, Huber facility, work camp, reforestation camp, or lock up facility).

"Doula" means a nonmedical, trained professional who provides continuous physical, emotional, and informational support during pregnancy, labor, birth, and the postpartum period.

"Doula services" means childbirth education and support services, including emotional, physical, and informational support provided during pregnancy, labor, birth, and the postpartum period.

"Postpartum" means the period of time following the birth of an infant to six months after the birth.

"Restrain" means to use a mechanical, chemical, or other device to constrain the movement of a person's body or limbs.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

Adult Institutions

1. ADULT CORRECTIONAL FACILITY POPULATIONS [LFB Paper 295]

Governor: Estimate an average daily population in adult correctional facilities (correctional institutions and centers) and contract beds of 21,183 in 2023-24 and 21,836 in 2024-25. From this projection, the following table identifies the adjusted estimated distribution of this population.

| | March 3, 2023 <u>Actual Population</u> | <u>Average Daily Population</u> | |
|-----------------|---|---------------------------------|----------------|
| | | <u>2023-24</u> | <u>2024-25</u> |
| Institutions* | 18,377 | 18,206 | 18,859 |
| Centers | 2,396 | 2,859 | 2,859 |
| Contract Beds** | <u>36</u> | <u>118</u> | <u>118</u> |
| Total | 20,809 | 21,183 | 21,836 |

* Includes inmates placed at the Wisconsin Resource Center, operated by the Department of Health Services (390 on March 3, 2023, and 444 for 2023-24 and 2024-25).

** Contract bed populations include inmates held in federal facilities, adult inmates in Division of Juvenile Corrections facilities, temporary lock-ups of inmates from correctional centers, and inmates in Wisconsin County jails.

Joint Finance/Legislature: Reestimate the average daily population in adult correctional facilities and contract beds to 22,242 in 2023-24 and 23,249 in 2024-25. The following table identifies the estimated distribution of this population.

| | July 28, 2023 <u>Actual Population</u> | <u>Average Daily Population</u> | |
|-------------------------|---|---------------------------------|----------------|
| | | <u>2023-24</u> | <u>2024-25</u> |
| Institutions & Centers* | 21,383 | 21,984 | 22,085 |
| Contract Beds** | <u>105</u> | <u>258</u> | <u>1,164</u> |
| Total | 21,488 | 22,242 | 23,249 |

*Includes inmates placed at the Wisconsin Resource Center, operated by the Department of Health Services (392 on July 28, 2023, and 444 for 2023-24 and 2024-25)

**Contract bed populations include inmates held in federal facilities, adult inmates in Division of Juvenile Corrections facilities, temporary lock-ups of inmates from correctional centers, and inmates in Wisconsin County jails.

2. POPULATION AND INFLATIONARY COST INCREASES -- ADULT CORRECTIONAL FACILITIES [LFB Paper 295]

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|-----|------------------------------------|---|-------------------|
| GPR | \$11,735,000 | \$11,200,000 | \$22,935,000 |

Governor: Provide adjustments of \$1,674,600 in 2023-24 and \$13,409,600 in 2024-25 to reflect population-related cost adjustments for prisoners in facilities operated by the Division of Adult Institutions, as follows: (a) \$4,424,700 in 2023-24 and \$6,112,600 in 2024-25 for food costs; (b) \$1,766,900 in 2023-24 and \$2,580,700 in 2024-25 for variable non-food costs, such as inmate wages, bedding, clothing, kitchen utensils, and other supplies; and (c) -\$7,866,200 in 2023-24 and \$4,716,300 in 2024-25 for inmate non-food health services. The funding for inmate health services assumes that the per capita adult inmate cost will increase from an estimated \$5,089 in 2022-23 to \$5,474 in 2023-24 and \$5,890 in 2024-25. Health care costs include supplies and services, pharmaceutical costs, third party administrator costs, and contracting costs with the University Hospital and Clinics, the UW Medical Foundation, Waupun Memorial Hospital, St. Agnes Hospital, and other community hospitals.

Joint Finance/Legislature: Modify funding by \$7,832,800 in 2023-24 and \$3,367,200 in 2024-25 to provide \$6,158,200 in 2023-24 and \$16,776,800 in 2024-25 for inflationary costs. In addition, provide \$5,675,100 annually to the Finance Committee's GPR supplemental appropriation associated with anticipated increased expenses for healthcare contract staffing. [See "Program Supplements."]

3. CONTRACT BED FUNDING [LFB Paper 295]

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|-----|------------------------------------|---|-------------------|
| GPR | -\$6,100,600 | \$12,440,100 | \$6,339,500 |

Governor: Provide an adjustment of -\$3,068,600 in 2023-24 and -\$3,032,000 in 2024-25 related to prison contract beds. The Administration projects a total need of 100 contract prison beds annually. In addition, the Administration projects a need of 500 contract beds the Division of Community Corrections would use for extended supervision sanctions, and 18 beds the Department of Corrections would use for inmates in federal facilities, adult inmates in Division of Juvenile Corrections facilities, and temporary lock-ups of inmates from correctional centers. Base funding for the contract bed appropriation is \$19,296,300.

Joint Finance/Legislature: Modify contract bed funding by \$2,109,500 in 2023-24 and by \$10,330,600 in 2024-25. In addition, provide \$8,790,400 in 2024-25 to the Finance Committee's GPR supplemental appropriation. Funding is associated with 730 contract beds in 2023-24 (including 212 Wisconsin county contract beds for overcrowding) and 1,636 contract beds in 2024-25 (including 1,118 Wisconsin county contract beds for overcrowding (funding to Corrections is

associated with 650 beds and funding in the Finance Committee's supplemental appropriation is associated with 468 beds)). [See "Program Supplements."]

4. WISCONSIN RESOURCE CENTER SECURITY OPERATIONS TRANSFER [LFB Paper 296]

| | Funding | Positions |
|-----|----------------|------------------|
| GPR | -\$17,813,800 | - 110.00 |

Governor: Eliminate 110.0 security positions and associated funding (-\$8,906,900 annually) from the Department of Corrections. Transfer assets and liabilities, position authorizations, the incumbent employees holding those positions, tangible personal property, contracts and any pending matters to the Department of Health Services (DHS). Provide increased funding and position authorization in DHS associated with the transfer. [See "Health Services -- Care and Treatment Facilities."]

Joint Finance/Legislature: See "Health Services -- Care and Treatment Facilities" for modifications to funding associated with this provision.

[Act 19 Sections: 105, 240, 241, and 9108(1)]

5. MEDICATION ADMINISTRATION PILOT PROGRAM

| | Governor (Chg. to Base) | | Jt. Finance/Leg. (Chg. to Gov) | | Net Change | |
|-----|------------------------------------|------------------|---|------------------|-------------------|------------------|
| | Funding | Positions | Funding | Positions | Funding | Positions |
| GPR | \$5,974,900 | 30.60 | -\$5,974,900 | - 30.60 | \$0 | 0.00 |

Governor: Provide \$2,728,100 in 2023-24, \$3,246,800 in 2024-25, and 30.60 positions annually to create and operate a medication administration pilot at three adult male institutions (the specific locations would be selected at the discretion of the Department). Currently, at most facilities, medications are delivered to inmates by correctional officers or sergeants. The pilot would direct institutional nurses to handle medication administration. Provided positions would include: (a) 24.9 licensed practical nurses; and (b) 5.7 nurse clinicians.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

6. FUEL AND UTILITIES

| | |
|-----|-------------|
| GPR | \$5,749,200 |
|-----|-------------|

Governor/Legislature: Provide \$2,628,700 in 2023-24 and \$3,120,500 in 2024-25 associated with expected changes in prices for fuel and utilities in adult correctional facilities. Current base funding for the fuel and utilities appropriation is \$26,401,300.

7. INSTITUTIONAL REPAIR AND MAINTENANCE

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|-----|------------------------------------|---|-------------------|
| GPR | \$1,805,200 | - \$902,600 | \$902,600 |

Governor: Provide \$657,900 in 2023-24 and \$1,147,300 in 2024-25 for repair and maintenance costs associated with services and materials for adult institutions. Funding is based on an estimated construction cost index increase of 8% every six months through 2023 and of 4% every six months, beginning in 2024. Base funding for institutional repair and maintenance is \$5,340,100 annually.

Joint Finance/Legislature: Modify funding by -\$329,000 in 2023-24 and -\$573,600 in 2024-25 to provide \$328,900 in 2023-24 and \$573,700 in 2024-25 for repair and maintenance associated with services and materials for adult correctional institutions.

8. MEDICATION-ASSISTED TREATMENT [LFB Paper 297]

| | Governor (Chg. to Base) | | Jt. Finance/Leg. (Chg. to Gov) | | Net Change | |
|-----|------------------------------------|------------------|---|------------------|-------------------|------------------|
| | Funding | Positions | Funding | Positions | Funding | Positions |
| GPR | \$5,022,600 | 1.00 | -\$339,300 | - 1.00 | \$4,683,300 | 0.00 |

Governor: Provide \$1,106,800 in 2023-24, \$3,915,800 in 2024-25, and 1.0 pharmacist position annually to expand access to medication-assisted treatment, which uses medication in combination with counseling and behavioral therapies to treat individuals with substance use disorders. The expansion would allow the Department to serve Division of Adult Institution inmates, including approximately 415 inmates in 2023-24, and 930 inmates on an annualized basis, beginning in 2024-25. Currently, while some individuals may receive an initial shot while in custody, the program only exists for Division of Community Corrections individuals. In addition, reallocate 1.0 currently vacant position for this purpose.

Joint Finance/Legislature: Modify funding by -\$150,900 in 2023-24, -\$188,400 in 2024-25, and -1.0 position annually to provide \$955,900 in 2023-24 and \$3,727,400 in 2024-25 to expand the medication assisted treatment program to the Division of Adult Institutions. Reallocate 1.0 vacant physician position for this purpose.

9. TREATMENT CAPACITY EXPANSION

| | Governor (Chg. to Base) | | Jt. Finance/Leg. (Chg. to Gov) | | Net Change | |
|-----|------------------------------------|------------------|---|------------------|-------------------|------------------|
| | Funding | Positions | Funding | Positions | Funding | Positions |
| GPR | \$2,862,800 | 36.00 | -\$2,862,800 | - 36.00 | \$0 | 0.00 |

Governor: Provide \$1,859,400 and 34.0 positions in 2023-24 and \$1,003,400 and an

additional 2.0 positions in 2024-25 to expand treatment capacity in the earned release program (ERP) and substance use disorder program (SUD) to serve approximately 450 inmates on an annualized basis (about half for ERP, and half for SUD). Both ERP and SUD address risky thinking and substance use that could lead to criminal behavior. Position authority would include: (a) 2.0 probation and parole agent positions in the Division of Community Corrections; and (b) 34.0 positions (33.0 treatment specialists and 1.0 psychological associates) in the Division of Adult Institutions. In addition, reallocate an additional 21.5 currently vacant positions for this purpose (including: (a) 12.0 treatment specialists, (b) 3.5 social workers; (c) 3.0 psychological associates; (d) 1.0 probation and parole agent; (e) 1.0 office operations associate; and (f) 1.0 psychologist supervisor). Allocation of positions to specific institutions has not yet been determined.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

10. TECHNICAL MOBILE LABS [LFB Paper 298]

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|-----|------------------------------------|---|-------------------|
| GPR | \$1,951,600 | -\$1,951,600 | \$0 |

Governor: Provide \$975,800 annually to support instructor costs at the existing six technical mobile labs. A mobile lab is a self-contained classroom inside a trailer located on institution grounds. The Department currently operates five labs in the following functional areas and at the following institutions: (a) computer numerical control (CNC) at Racine Correctional and Kettle Moraine Correctional (one at each location); (b) welding at Taycheedah Correctional; (c) electromechanical at New Lisbon Correctional; and (d) mechatronics at the Racine Youthful Offender Facility. In addition, the Department notes that a new lab is expected to arrive this summer to replace the lab at Racine, at which point the old lab will be repurposed and moved to Green Bay Correctional as an industrial maintenance lab.

Joint Finance/Legislature: Modify provision to require the Department of Workforce Development to provide, in each year of the 2023-25 biennium, \$975,800 in Wisconsin Fast Forward grant funding to the Department of Corrections to support instructor costs for technical mobile labs. [See "Workforce Development -- Employment and Training."]

[Act 19 Section: 386]

11. WINDOWS TO WORK EXPANSION [LFB Paper 299]

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|-----|------------------------------------|---|-------------------|
| GPR | \$500,000 | -\$500,000 | \$0 |

Governor: Provide \$250,000 annually to expand the Windows to Work program to allow

for an additional 96 participants per year. The Windows to Work program is a pre- and post-release program designed to address criminogenic needs that can lead to recidivism. While still incarcerated, inmates participate in programming including cognitive intervention, general work skills and expectations, financial literacy, community resources, job seeking, applications, and resumes. Post-release includes assistance in job search and job retention activities for approximately 12 months after release. In 2021-22, the program served 502 new enrollees, 180 transfer enrollees, and 359 continuing-participants. The program is currently budgeted at \$1,892,200.

Joint Finance/Legislature: Provision not included.

12. METAL STAMPING EXPANSION [LFB Paper 790]

| | |
|----|-------------|
| PR | \$5,963,600 |
|----|-------------|

Governor/Legislature: Provide an increase in expenditure authority of \$3,012,700 in 2023-24 and \$2,950,900 in 2024-25 in the annual prison industries appropriation to expand the Bureau of Correctional Enterprise's metal stamping operations at Waupun Correctional Institution to comply with the requirements of 2021 Act 163 (which requires the issuance of new registration plates, constructed according to specific design criteria). Increased funding would support the purchase of equipment and supplies and services required by Act 163 (such as aluminum and plastic sheeting) as well as overtime costs for Bureau of Correctional Enterprises staff. [See "Transportation -- Motor Vehicles."]

13. INCREASE STAFFING IN THE WOMEN'S CORRECTIONAL CENTER SYSTEM

| | Governor (Chg. to Base) | | Jt. Finance/Leg. (Chg. to Gov) | | Net Change | |
|-----|------------------------------------|------------------|---|------------------|-------------------|------------------|
| | Funding | Positions | Funding | Positions | Funding | Positions |
| GPR | \$1,005,700 | 6.00 | -\$325,600 | -2.00 | \$680,100 | 4.00 |

Governor: Provide \$463,000 in 2023-24, \$542,700 in 2024-25, and 6.0 positions annually to increase staffing at the Robert E. Ellsworth Correctional Center (REECC) and the Milwaukee Women's Correctional Center. The provided positions include: (a) 5.0 supervising officers at REECC; and (b) 1.0 chaplain, who will split time between the two centers.

Joint Finance/Legislature: Modify funding and positions by -\$149,100 in 2023-24, -\$176,500 in 2024-25, and -2.0 positions annually to provide \$313,900 in 2023-24, \$366,200 in 2024-25, and 4.0 supervising officer positions annually to increase staffing at the Robert E. Ellsworth Correctional Center.

14. CONVERT LIMITED-TERM EMPLOYEE PHARMACY TECHNICIAN POSITIONS TO FULL-TIME EMPLOYEE POSITIONS

| | Governor (Chg. to Base) Funding Positions | | Jt. Finance/Leg. (Chg. to Gov) Funding Positions | | Net Change Funding Positions | |
|-----|--|-------|---|--------|---|------|
| GPR | \$472,300 | 10.00 | -\$130,100 | - 5.00 | \$342,200 | 5.00 |

Governor: Provide \$153,300 and 5.0 positions in 2023-24, and \$319,000 and an additional 5.0 positions in 2024-25 to convert limited-term employee pharmacy technicians to permanent pharmacy technician positions. The 10.0 total positions would be allocated to the Central Pharmacy.

Joint Finance/Legislature: Modify funding by -\$130,100 and -5.0 positions in 2024-25 to provide \$153,300 in 2023-24, \$188,900 in 2024-25, and 5.0 positions annually to convert limited-term employee pharmacy technicians to permanent pharmacy technicians.

15. CONVERT CONTRACTED POSITIONS TO FULL-TIME EMPLOYEE POSITIONS

| | Governor (Chg. to Base) Positions | Jt. Finance/Leg. (Chg. to Gov) Positions | Net Change Positions |
|-----|--|---|---------------------------------|
| GPR | 3.00 | - 3.00 | 0.00 |

Governor: Provide an increase in position authority to convert three Bureau of Technology Management contracted positions to full-time employee positions. Reallocate \$376,600 GPR from the Department's supplies and services budget (\$316,600 within the general program operations appropriation and \$60,000 from community corrections) to cover the difference between the contractor and full-time employee costs.

Joint Finance/Legislature: Provision not included.

16. WISCONSIN SECURE PROGRAM FACILITY HEALTH SERVICE UNIT SUPPLIES AND SERVICES

| | |
|-----|----------|
| GPR | \$85,300 |
|-----|----------|

Governor/Legislature: Provide \$85,300 in 2024-25 for non-personnel costs (including \$50,300 for permanent property (such as telemedicine machines, dental equipment, and dialysis machines) and \$35,000 for supplies and services) related to the opening of the new health services unit at the Wisconsin Secure Program Facility (WSPF) located in Boscobel. According to the Department, the WSPF health services unit is scheduled to be substantially completed late in 2024-25.

17. FULL FUNDING OF THE CENTRAL GENERATING PLANT POSITION

| | |
|----|---------|
| PR | \$8,800 |
|----|---------|

Governor/Legislature: Provide increased expenditure authority of \$4,400 annually in the annual institutional operations and charges appropriation to fund non-salary costs funded for a partial year in 2022-23 associated with the water utility operator position at the Waupun central generating plant, provided in 2021 Act 58 (the 2021-23 biennial budget).

18. LAW ENFORCEMENT INVESTIGATIVE SERVICES [LFB Paper 300]

Governor: Request statutory language changes to reimburse local governments for law enforcement investigative services rendered to state prisons and juvenile correctional facilities. In addition, request a corresponding reallocation of \$125,700 GPR from the adult correctional services general program operations appropriation to the adult correctional services reimbursement claims of counties containing state prisons appropriation.

Create statutory language to provide that the clerk of any town or city (including 1st Class cities (Milwaukee)) that is entitled to reimbursement must make a certified claim against the state, without direction from the county board or common council, in all cases in which reimbursement is directed upon forms prescribed by the Department of Administration. The forms must contain information required by the clerk and must be filed annually with the Department of Corrections, on or before June 1st.

Under law prior to Act 19, reimbursement claims of counties containing state prisons or juvenile correctional facilities may only be made by county clerks for certain expenses incurred or paid by the county in reference to all matters growing out of actions and proceedings involving prisoners in state prisons or juveniles in juvenile correctional facilities. The changes would broaden the requirements to include expenses relating to actions and law enforcement investigative services, and to allow any jurisdiction (county, city, village, or town) to submit a claim for reimbursement. In addition, modify the reimbursement claims of counties containing state prisons and juvenile correctional facility appropriation titles to also include municipalities.

Reallocate \$125,700 GPR annually from the Division of Adult Institutions' general program operations appropriation to the reimbursement claims of counties or municipalities containing state prisons appropriation. Currently, the Department is reimbursing the Village of Allouez for local law enforcement investigative services provided to Green Bay Correctional Institution (\$60,000 annually, as required by 2019 Act 9) as well as Dodge County for local law enforcement investigative services provided to the various correctional facilities within the county (approximately \$65,700 annually, based on actual costs, as agreed upon by the county and the Department). The reallocation would move these amounts to the reimbursement claims appropriation.

Joint Finance: Modify the provision to create statutory language specifying that reimbursement must be provided on a quarterly basis.

[Act 19 Sections: 36, 99, 101, 314, and 316 thru 318]

Community Corrections

1. OPENING AVENUES TO REENTRY SUCCESS EXPANSION [LFB Paper 305]

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|-----|----------------------------|-----------------------------------|-------------|
| GPR | \$8,796,500 | -\$6,524,200 | \$2,272,300 |

Governor: Provide \$3,449,600 in 2023-24 and \$5,346,900 in 2024-25 to expand the Opening Avenues to Reentry Success (OARS) program to serve an additional 177 individuals annually. The OARS program began as a pilot program in 2011, providing intensive case management and mental health services to serious mentally ill offenders. Services are provided based on each offender's needs and may include intensive case management and supervision, assistance with obtaining and maintaining safe affordable housing, resources for medication and access to psychiatric care, treatment addressing criminogenic needs, access to local transportation, budgeting, and financial resources, employment, and education. A second, "OARS 2" pilot program began in 2020, which functions similarly to OARS, with the primary difference being the eligibility requirements (OARS has a pre-release component for inmates, but OARS 2 participants must be at least 30 days post-release).

The OARS program is jointly administered with the Department of Health Services, which provides treatment services under contract. [See "Health Services -- Behavioral Health" for OARS position expansion.] In 2021-22, the OARS program (including OARS 2) served 430 participants. The program is currently budgeted at \$4,128,400.

Joint Finance/Legislature: Modify funding by -\$2,689,300 in 2023-24 and -\$3,834,900 in 2024-25 to provide \$760,300 in 2023-24 and \$1,512,000 in 2024-25 to expand the OARS program, and create non-statutory language to specify increased OARS funding would be provided only for the original OARS program (and not the OARS 2 program). [See "Health Services -- Behavioral Health" for modifications to funding and positions associated with this provision.]

Veto by Governor [D-34]: Remove the non-statutory language, leaving the increased funding available for the OARS and/or OARS 2 programs.

[Act 19 Vetoed Section: 9108(2)]

2. ALTERNATIVE TO REVOCATION EXPANSION

| | Governor (Chg. to Base) | Jt. Finance/Leg. (Chg. to Gov) | Net Change |
|-----|----------------------------|-----------------------------------|------------|
| GPR | \$6,670,900 | -\$6,670,900 | \$0 |

Governor: Provide \$2,227,700 in 2023-24 and \$4,443,200 in 2024-25 to expand available

options for residential community alternatives to revocation by 100 additional beds. Available options for placement in a community alternative to revocation include placement in a specialized treatment program (such as sex offender treatment or domestic violence treatment), a residential services program (halfway house), or a residential treatment center. The Department currently contracts for 389 residential community beds that the Division of Community Corrections may use for alternative to revocation placements.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

3. GLOBAL POSITIONING SYSTEM (GPS) SEX OFFENDER TRACKING

| | |
|-------|---------------|
| GPR | \$646,900 |
| PR | <u>33,900</u> |
| Total | \$680,800 |

Governor/Legislature: Provide \$198,500 GPR and \$10,400 PR in 2023-24 and \$448,400 GPR and \$23,500 PR in 2024-25 to monitor sex offenders who are on GPS tracking. The Department is statutorily required to monitor certain sex offenders, including sex offenders on lifetime supervision (who are tracked until they are deceased). As a result, the total number of individuals tracked by the Department continues to increase. As of February 1, 2023, the Department was monitoring 3,000 individuals by GPS. The Governor projects the GPS-monitored population to increase by 264 individuals by the end of 2023-24 and by an additional 212 individuals by the end of 2024-25.

4. GLOBAL POSITIONING SYSTEM (GPS) TRACKING ESTIMATE

| | |
|-------|---------------|
| GPR | \$398,800 |
| PR | <u>19,200</u> |
| Total | \$418,000 |

Governor/Legislature: Provide \$199,400 GPR and \$9,600 PR annually to fund non-salary costs funded for a partial year in 2022-23 associated with GPS tracking.

5. NOTIFICATION TO CRIME VICTIMS

Governor: Modify current law to require the Department of Corrections or the Parole Commission to notify any member of a deceased victim's family who was younger than 18 years old at the time the crime was committed but is now 18 years or older, if the perpetrator of the crime is released on parole or extended supervision. Under current law, only adult members of the victim's family or the parent or legal guardian of the victim are notified.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

6. REENTRY CENTERS

Joint Finance/Legislature: Provide \$4,000,000 GPR in 2023-24 to the Committee's supplemental appropriation for the operation of reentry centers, as authorized under pending legislation 2023 Assembly Bill 183/Senate Bill 172. Create a new annual GPR appropriation in

the Department of Corrections to establish and operate the community reentry centers. Corrections may request release of funds under the provisions of s. 13.10 pending enactment of AB 183/SB 172. [See "Program Supplements."]

Veto by Governor [D-35]: Delete reference to a section of proposed statutory language in pending legislation.

[Act 19 Section: 100]

[Act 19 Vetoed Section: 100]

Adult Sentencing

1. EARNED RELEASE PROGRAM CRITERIA AND ELIGIBILITY

Governor: Modify statutory language to change the name of the Wisconsin substance abuse program to the Wisconsin earned release program and to change the language of "substance abuse" to "substance use disorder" under program provisions. In addition, make the following modifications to the program:

a. Earned Release Program Eligibility. Modify current law to allow the Department of Corrections, rather than the sentencing court, to determine eligibility in the earned release program. In considering program eligibility, specify that the Department must consider a prior determination by the sentencing court, if applicable. Repeal statutory language that allows an inmate sentenced before July 26, 2003, to petition the sentencing court to determine earned release program eligibility. [Under the bill, the Department would be able to make program eligibility determinations for these individuals.]

b. Earned Release Program - Vocational Readiness Training Program. Expand the earned release program to include not only substance use disorder programs, but also vocational readiness training programs. For the purposes of the Wisconsin earned release program, define "vocational readiness training program" to mean an educational, vocational, treatment, or other evidence-based training program to reduce recidivism. Specify that the Department must provide vocational readiness training programs as an eligible program for earned release at any correctional facility the Department deems appropriate.

The Department must inform the sentencing court when an eligible inmate serving a bifurcated sentence has completed a substance use disorder treatment program or a vocational readiness training program. Upon being informed, as under current law, the court must modify the inmate's sentence by shortening the confinement portion of a sentence and lengthening the extended supervision period by a corresponding amount.

Specify that, for individuals serving an indeterminate sentence, upon successful completion

of a substance use disorder treatment program, the Parole Commission must parole an inmate, regardless of time served, and must require the parolee to participate in an intensive supervision program for drug abusers, as a condition of parole. Conversely, the Department may place intensive sanction program participants in a substance use disorder treatment program (although the Department is not required to notify the court, and the court is not required to modify the participant's sentence, in this circumstance).

c. Administrative Rules. Specify that the Department of Corrections must update its administrative rules to implement earned release for completion of a vocational readiness training program, including specification of eligibility to participate criteria for persons sentenced before the effective date of this provision.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

2. EARNED RELEASE COMPLIANCE CREDIT

Governor: Establish the earned compliance credit to require a person with a qualifying offense, upon revocation of extended supervision or parole, to be given credit toward the service of his or her sentence for each day the person spent on extended supervision or parole without violating a condition or rule of extended supervision or parole, prior to the violation that resulted in the revocation. Define "qualifying offense" to mean any offense but not including: (a) a crime against life and bodily security (Chapter 940 of the statutes); (b) sexual assault of a child; (c) repeat acts of sexual assault of the same child; (d) physical abuse of a child; (e) sexual exploitation of a child; (f) trafficking of a child; (g) causing a child to view or listen to sexual activity; (h) incest with a child; (i) child enticement; (j) use of a computer to facilitate a child sex crime; (k) soliciting a child for prostitution; (l) sexual assault of a child placed in substitute care; or (m) sexual assault of a child by a school staff person or a person who works or volunteers with children.

Specify that earned compliance credit amounts must be calculated and applied by the appropriate reviewing authority (DOA's Division of Hearings and Appeals, or the Secretary of the Department of Corrections if the individual has waived a revocation hearing) when determining time remaining on a bifurcated sentence. In addition, a person released to extended supervision after service of the period of time specified by the reviewing authority is subject to all conditions and rules imposed until the expiration of the time remaining on the bifurcated sentence.

Specify that the earned release compliance credit does not apply to a person required to register as a sex offender and may only be used for the time spent in the community for qualifying offenses, if a person is serving more than one sentence. However, specify that a convicted offender made available to another jurisdiction must be credited with service of his or her Wisconsin sentence, including any earned compliance credit, for the duration of custody in the other jurisdiction.

Specify that a person who is serving a sentence for qualifying offense and who is in custody upon revocation of extended supervision or parole on the effective date of this provision may petition to be given earned compliance credit. Upon proper verification of the facts alleged in the

petition, the earned compliance credit must be applied retroactively. If the Department is unable to determine whether credit should be given, or otherwise refuses to award retroactive credit, the person may petition the sentencing court for relief. Specify that this provision applies regardless of the sentencing date. Individuals subject to the sex offender registry remain ineligible for the earned release credit under this provision.

Modify statutory language to include the earned compliance credit to the revoked parolee tolling period provisions. Under current law, the sentence of a revoked parolee or person on extended supervision resumes running on the day he or she is received at a correctional institution, subject to sentence credit for the period of custody in a jail, correctional institution, or any other detention facility, pending revocation.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

3. EXPUNGEMENT OF CRIMINAL RECORDS

Governor: Modify expungement of criminal records and related provisions, as follows:

a. Expungement of Criminal Record Modifications. Modify the current expungement statutes to remove the provisions related to differentiated treatment of persons under the age of 25, and instead provide that a court may order that a criminal case be expunged after a conviction by one of the following methods: (1) at the time of sentencing, the court may order the record expunged upon successful completion of the sentence, if the court determines that the person has not previously had a record expunged under this provision and that the person will benefit and society will not be harmed by the disposition; or (2) the person may file a petition in the county of conviction requesting the record be expunged, if at least one year has passed since successful completion of his or her sentence, there are no criminal charges pending against the person, the person has not previously had a record expunged under this provision, and the person has not exceeded the maximum number of petitions allowed.

Under the bill, a person has successfully completed the sentence if: (1) the person completed all periods of incarceration, parole, or extended supervision to which he or she was sentenced; (2) paid all fines, costs, fees, surcharges, and restitution assessed; (3) completed any court-ordered community services; (4) the person has not been convicted of a subsequent crime; and (5) if probation was imposed, the probation has not been revoked. Specify that if a sentence is completed involving incarceration or probation, the detaining or probationary authority must issue and forward to the court of record a certificate of discharge that indicates whether the person successfully completed his or her sentence. If the person has been incarcerated, the detaining authority must forward a copy of the certificate the Department of Corrections.

In addition, a person is ineligible for expungement if there are criminal charges pending against the person, the person has exceeded the maximum number of petitions allowed (two), or the conviction at issue: (1) is for a crime for which the maximum period of imprisonment is more than six years (Class H felony or higher); (2) is a violation of traffic crimes (Chapters 341 to 348); (3) the court ordered the record ineligible for expungement at sentencing; (4) a violation of stalking

(any class), criminal trespass to dwellings, or if the court noted in the record that the property damage was a business or (5) a violation of a domestic abuse temporary responding order or injunction. Current law provisions prohibiting expungement for a violent felony remains unchanged under the bill.

Provide that the court must review the petition and determine if the person is eligible. If the court determines the person is eligible, the petition is forwarded to the District Attorney. If the District Attorney requests a hearing within 90 days after reviewing the petition, the court must schedule a hearing to review the petition. If the District Attorney waives the hearing, or at least 90 days has passed, the court may review the petition with or without a hearing. If a hearing is held, the sentencing judge must be the judge to review the petition, if practicable. Specify that the court may order the record expunged if the person will benefit and society will not be harmed by the disposition. If the record is not expunged, the person may file a second petition, along with a \$100 fee to the Clerk of Circuit Court, only if two years have passed since the first petition was filed. No person may file more than two petitions per record.

Under current law, a court may expunge a criminal record if: (1) the person is under the age of 25 at the time of the commission of the offense for which the person has been found guilty; (2) the offense is not a violent felony and carries a maximum period of imprisonment of six years or less (Class H felony or less); (3) the person has not been previously convicted of a felony; and (4) the court ordered at the time of sentencing that the record be expunged upon successful completion of the sentence (if the court determines the person will benefit and society will not be harmed by the disposition). The court must order at the time of sentencing that the record be expunged upon successful completion of the sentence if the offense was for a violation of certain invasion of privacy provisions and the person was under the age of 18 at the time the crime was committed. The current law expungement provisions do not apply to certain specified crimes.

Under current law, a person has successfully completed the sentence if the person has not been convicted of a subsequent offense and, if on probation, the probation has not been revoked and all probation conditions have been satisfied. Upon successful completion of the sentence, the detaining or probationary authority must issue a certificate of discharge which must be forwarded to the court, having the effect of expunging the record. If the person has been imprisoned, the detaining authority must forward a copy of the certificate of discharge to the Department of Corrections. Current law specifies that a court may also expunge a record for certain crimes upon motion to the court.

b. Victim Notification and Rights. Include expungement proceedings and hearings as events for which victims and witnesses have the right to require reasonable attempts to be made to notify the victim of hearings or court proceedings. Specifically, the District Attorney must make a reasonable attempt to notify the victim of the petition (including obtaining the victim address information from the Clerk of the Circuit Court), and must inform the victim that he or she may waive the requirement and that, if waived, the court may review the petition without a hearing. In addition, specify that the District Attorney must inform the victim of manners in which he or she may provide written statements concerning the petition and that, if the victim does not waive the hearing requirement, he or she may appear at the hearing. If the victim waives the hearing requirement, the District Attorney may inform the court that there is no objection to waving the

requirement.

c. Employment Discrimination Due to Criminal Record. Provide that employment discrimination because of conviction record includes, but is not limited to, requesting an applicant, employee, member, licensee, or any other individual, on an application form or otherwise, to supply information regarding a crime for which the record has been expunged. Specify that a request to supply information regarding criminal convictions must not be construed as a request to supply information regarding a crime for which the record has been expunged. Renumber current statutes related to discrimination because of an arrest record.

Specify that it is employment discrimination for an employer or licensing agency to engage in any act of employment discrimination on the basis of an expunged conviction record. Specify that this provision also applies to discrimination by licensing agencies in licensing provisions. Specify that a record for a crime expunged is not considered a conviction for employment purposes or for purposes of the issuance of a license by a licensing agency. Further, specify that it is not employment discrimination for the law enforcement standard board to refuse to certify, recertify, or allow to participate in a preparatory training program or to decertify an individual who has an expunged conviction record. These provisions do not apply to the extent that they conflict with federal law.

d. Applicability. The treatment of the created or modified expungement of criminal records provisions first apply to a conviction for which sentencing has occurred, but for which the record has not been ordered or expunged on the effective date of these provisions. The treatment of other provisions impacted by this bill first apply on the first day of the 13th month beginning after publication.

e. Definitions. For the purposes of the expungement provisions, define "Record" to mean a criminal case file.

The expungement provisions are intended to include the provisions of 2021 Assembly Bill 69 and Assembly Amendment 1 to Assembly Bill 69.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

4. IMMUNITY FOR CERTAIN CONTROLLED SUBSTANCES OFFENSES

Governor: Modify the statutory title for "Immunity from Criminal Prosecution" to add "and Revocation of Parole, Probation, or Extended Supervision." In addition, modify provisions under this title to provide that an "aider" may not have his or her parole, probation, or extended supervision revoked for the possession of drug paraphernalia, a controlled substance, controlled substance analog, or of a masking agent under the circumstances surrounding or leading to the commission of an act that qualifies a person as an aider, if the aider's attempt to obtain assistance occurs immediately after the aider believes the other person is suffering from an overdose or other adverse reaction.

Specify that no aided person may have his or her parole, probation, or extended supervision revoked under the circumstances surrounding or leading to the commission of an "aider" act if the aided person completes a treatment program as a condition of his or her parole, probation, or extended supervision or, if programming is unavailable or would be financially prohibitive, if the aided person agrees to be imprisoned in the county jail for not less than 15 days. In addition, specify that if an aided person is subject to prosecution for the possession of drug paraphernalia, a controlled substance, controlled substance analog, or of a masking agent under circumstances surrounding or leading to the commission of an act that qualifies a person as an aider, the district attorney must offer the aided person a deferred prosecution agreement that includes the completion of a treatment program. This provision does not apply to an aided person who is on parole, probation, or extended supervision and fails to meet the above-mentioned treatment program or county jail conditions.

Under current law, an "aider" means a person who: (a) brings another person who is, or is reasonably believed to be, suffering from an overdose to a fire station or healthcare facility and makes contact with staff; (b) summons and makes contact with a law enforcement officer, ambulance, emergency medical services practitioner, or other health care provider in order to assist another person who is, or is reasonably believed to be, suffering from an overdose; or (c) calls "911," or where the number is not available, calls a number for an emergency medical service provider and makes contact with an individual answering the number, with the intent to obtain assistance for another person who is, or is reasonably believed to be, suffering from an overdose.

This provision permanently restores the expanded immunities temporarily provided under 2017 Act 33. The provisions under Act 33 expired on August 1, 2020.

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)

Juvenile Corrections

1. JUVENILE POPULATION ESTIMATES

Governor/Legislature: Under the bill, the juvenile correctional facility average daily population (ADP) is estimated to be 93 annually as shown in the table below. The juvenile facilities include Lincoln Hills School (LHS) (males), Copper Lake School (CLS) (females), the Mendota Juvenile Treatment Center (MJTC), and the Grow Academy, an agriculture science-based experiential education program held at a facility in Oregon, Wisconsin.

| <u>Facilities</u> | July 28, 2023 | <u>Average Daily Population</u> | |
|--------------------------------------|--------------------------|---------------------------------|----------------|
| | <u>Actual Population</u> | <u>2023-24</u> | <u>2024-25</u> |
| Lincoln Hills School | 51 | 50 | 50 |
| Copper Lake School | 5 | 12 | 12 |
| Mendota Juvenile Treatment Center | 29 | 26 | 26 |
| Grow Academy | <u>6</u> | <u>5</u> | <u>5</u> |
| Total Juvenile Correctional Facility | 91 | 93 | 93 |

2. STATUTORY DAILY RATES

Governor/Legislature: Establish the statutory daily rate at \$1,246 in 2023-24 and \$1,268 in 2024-25 for juvenile correctional services provided or purchased by the Department that would be charged to counties and paid through counties' youth aids allocations, or paid by the state through the serious juvenile offender appropriation. The current daily rate for 2022-23 is \$1,178. Under current law, daily rates for juvenile care in a given biennium are specified in statute by fiscal year for juvenile correctional facilities. Further, the daily rate for the juvenile correctional facilities currently includes a \$6 add-on to address the juvenile operations appropriation deficit.

[Act 19 Section: 454g]

3. SERIOUS JUVENILE OFFENDER FUNDING

| | |
|-----|-------------|
| GPR | \$7,567,100 |
|-----|-------------|

Governor/Legislature: Provide \$1,567,700 in 2023-24 and \$5,999,400 in 2024-25 related to juvenile institution care, alternate care, and community supervision for serious juvenile offenders (SJO). Increased costs are associated with an increase in the statutory daily rate for the estimated populations. The estimated ADP for the SJO population would be 75 in 2023-24 and 82 in 2024-25. Base funding for the program is \$19,205,300 GPR annually. The following ADPs for the SJO appropriation, are projected for the 2023-25 biennium:

Average Daily Population

| <u>Type of Care</u> | <u>Serious Juvenile Offenders</u> | | |
|---------------------------------|-----------------------------------|----------------|----------------|
| | <u>June, 2023</u> | <u>2023-24</u> | <u>2024-25</u> |
| Juvenile Corrections Facilities | 17 | 42 | 51 |
| Community Supervision Program | <u>38</u> | <u>33</u> | <u>31</u> |
| Total ADP | 55 | 75 | 82 |
| Alternate Care* | 18 | 11 | 11 |

* A subset of the community supervision program (corrective sanctions and aftercare supervision) program that includes residential care centers, group homes, treatment foster homes, and certain supplemental living arrangements.

4. POPULATION AND INFLATIONARY COSTS

| | |
|----|-----------|
| PR | \$222,500 |
|----|-----------|

Governor/Legislature: Modify population-related funding for juvenile corrections by \$87,700 in 2023-24 and \$134,800 in 2024-25, as follows: (a) \$132,900 in 2023-24 and \$138,800 in 2024-25 for food costs at juvenile correctional facilities; (b) \$31,000 annually for variable non-food costs (such as clothing, laundry, and personal items); and (c) -\$76,200 in 2023-24 and -\$35,000 in 2024-25 for juvenile health costs.

5. MENDOTA JUVENILE TREATMENT CENTER REESTIMATE [LFB Paper 457]

| | |
|----|-------------|
| PR | \$1,084,400 |
|----|-------------|

Governor/Legislature: Provide \$447,300 in 2023-24 and \$637,100 in 2024-25 related to payments to the Department of Health Services (DHS) for juveniles placed at the Mendota Juvenile Treatment Center (MJTC). Base funding for MJTC is \$1,365,500 GPR and \$4,068,600 PR.

6. AGE OF JUVENILE JURISDICTION

Governor: Modify current law, first applicable to acts committed on the day after publication of the bill, to specify that persons who have not attained the age of 18 years are subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, subject to an array of dispositions under that code including placement in a juvenile correctional facility. Similarly, modify from 17 to 18 the age at which a person who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court. Specify that the provisions would become effective on January 1, 2024.

Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to adult procedures and sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code including placement in a juvenile correctional facility. [For information on funding provided to counties associated with the age of juvenile jurisdiction, see "Children and Families -- Juvenile Justice."]

Joint Finance/Legislature: Provision not included. (Removed from budget consideration pursuant to Joint Finance Motion #10.)