



## 1995 ASSEMBLY BILL 4

January 9, 1995 - Introduced by Representatives OURADA, VRAKAS, KLUSMAN, SILBAUGH, HASENOHRL, LEHMAN, VANDER LOOP, ZIEGELBAUER, MUSSER, REYNOLDS and URBAN, cosponsored by Senators ROSENZWEIG and BRESKE. Referred to Committee on Children and Families.

1 **AN ACT to amend** 16.51 (7), 20.410 (1) (c) and 59.175; and **to create** 20.435 (3)  
2 (c) of the statutes; **relating to:** state reimbursement of county expenses for  
3 residents of juvenile secured correctional facilities and making an  
4 appropriation.

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### *Analysis by the Legislative Reference Bureau*

Current law provides a sum sufficient appropriation to the department of corrections (DOC) from which DOC pays claims made by counties in which state prisons are located for reimbursement of expenses growing out of court proceedings involving prisoners. This bill provides a sum sufficient appropriation to the department of health and social services (DHSS) from which to pay claims made by counties in which juvenile secured correctional facilities are located for reimbursement of expenses growing out of court proceedings involving children placed in juvenile secured correctional facilities. The bill also provides for state reimbursement of expenses incurred by counties in which juvenile secured correctional facilities are located for holding in secure custody those children while those proceedings are pending.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

5 **SECTION 1.** 16.51 (7) of the statutes is amended to read:  
6 16.51 (7) (TITLE) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND  
7 CHILDREN IN SECURED CORRECTIONAL FACILITIES. Receive, examine, determine and

1 audit claims, duly certified and approved by the department of corrections or the  
2 department of health and social services, from the county clerk of any county in  
3 behalf of the county, which are presented for payment to reimburse the county for  
4 certain expenses incurred or paid by it in reference to all matters growing out of  
5 actions and proceedings involving prisoners in state prisons, as defined in s. 302.01,  
6 or children in secured correctional facilities, as defined in s. 48.02 (15m), including  
7 prisoners or children transferred to a mental health institute for observation or  
8 treatment, when the proceedings are commenced in counties in which the prisons or  
9 secured correctional facilities are located by a district attorney or by the prisoner or  
10 child as a postconviction remedy or a matter involving the prisoner's status as a  
11 prisoner or the child's status as a resident of a secured correctional facility and for  
12 certain expenses incurred or paid by it in reference to holding those children in  
13 secure custody while those actions or proceedings are pending. Expenses shall only  
14 include the amounts as that were necessarily incurred and actually paid and shall  
15 be no more than the legitimate cost would be to any other county had the offense or  
16 crime occurred therein.

17 **SECTION 2.** 20.410 (1) (c) of the statutes is amended to read:

18 20.410 (1) (c) *(title) Reimbursement claims of counties containing state*  
19 *institutions* prisons. A sum sufficient to pay all valid claims made by county clerks  
20 of counties containing ~~certain state institutions~~ prisons as provided in s. 16.51 (7).

21 **SECTION 3.** 20.435 (3) (c) of the statutes is created to read:

22 20.435 (3) (c) *Reimbursement claims of counties containing secured correctional*  
23 *facilities*. A sum sufficient to pay all valid claims made by county clerks of counties  
24 containing state juvenile correctional institutions as provided in s. 16.51 (7).

25 **SECTION 4.** 59.175 of the statutes is amended to read:

