



1995 SENATE BILL 563

February 21, 1996 - Introduced by Senator WEEDEN, cosponsored by Representative BRANCEL, by request of Governor Tommy G. Thompson. Referred to Committee on State Government Operations and Corrections.

1 **AN ACT** *to amend* 301.26 (4) (b), 301.26 (4) (d) 3m. and 301.26 (4) (d) 4. of the
2 statutes; **relating to:** the purchase of goods, care and services for certain
3 probationers, parolees and other offenders; the general program operations of
4 the department of corrections; intergovernmental corrections agreements; the
5 establishment and operation of state prison industries; youth service rates; and
6 making an appropriation.

Analysis by the Legislative Reference Bureau

This bill does the following with respect to appropriations for the department of corrections (DOC):

Juvenile correctional system

Under current law relating to community youth and family aids (generally referred to as "youth aids"), various state and federal funds are allocated to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. Currently, the department of health and social services (DHSS) charges counties (bills them or deducts from their allocations) for the costs of services provided by DHSS. Beginning on July 1, 1996, DOC will charge counties for the cost of services provided by DOC. This bill provides the new per person daily cost assessments upon counties for juvenile placements during the 1996-97 state fiscal year as follows:

	<u>Current law</u>		<u>This bill</u>	
	<u>7/1/96</u>	<u>1/1/97</u>	<u>7/1/96</u>	<u>1/1/97</u>
	<i>to</i>	<i>to</i>	<i>to</i>	<i>to</i>
	<u>12/31/96</u>	<u>6/30/97</u>	<u>12/31/96</u>	<u>6/30/97</u>
<u>Placement</u>				
Juvenile correctional institution	(to be set by statute)	(to be set by statute)	\$138.19	\$138.19
Transfers from a juvenile correctional institution to a treatment facility	(to be set by statute)	(to be set by statute)	\$138.19	\$138.19
Child caring institution, including a secured child caring institution	\$153.98	\$157.08	\$153.98	\$157.08
Group home	\$106.82	\$108.98	\$106.82	\$108.98
Foster care	\$23.80	\$24.29	\$23.80	\$24.29
Treatment foster care	\$68.58	\$69.95	\$68.58	\$69.95
Departmental aftercare	\$11.48	\$11.48	\$15.31	\$15.31

The bill also authorizes DOC to change the rates specified in the bill for care in a Type 1 secured correctional facility or for care for juveniles transferred from a juvenile correctional institution to a mental health treatment facility based on actual changes in the number of juveniles receiving care in those facilities. Under the bill, DOC may adjust those rates not more often than once every 6 months.

Adult correctional system

The bill increases the appropriation for DOC's general program operations and also increases DOC's appropriations relating to the following programs in the adult correctional system: 1) payments to other states that are a party to certain intergovernmental corrections agreements and payments to county jails; 2) the establishment and operation of state prison industries; and 3) the purchase of goods, care and services for certain probationers, parolees and other offenders.

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

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

1 **SECTION 1.** 301.26 (4) (b) of the statutes, as affected by 1995 Wisconsin Act 77,
2 is amended to read:

1 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
2 the basis of the per person per day cost estimate specified in par. (d) ~~2. to 3m. and 4.~~
3 Except as provided in pars. (bm), (c) and (cm), liability shall apply to county
4 departments under s. 46.21, 46.22 or 46.23 in the county of the court exercising
5 jurisdiction under chs. 48 and 938 for each person receiving services from the
6 department of corrections under s. 48.366, 938.183 (2) or 938.34 or the department
7 of health and social services under s. 51.35 (3). Except as provided in pars. (bm), (c)
8 and (cm), in multicounty court jurisdictions, the county of residency within the
9 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
10 par. (a) shall also be made according to the general placement type or level of care
11 provided, as defined by the department, and prorated according to the ratio of the
12 amount designated under sub. (3) (c) to the total applicable estimated costs of care,
13 services and supplies provided by the department of corrections under ss. 48.366,
14 938.183 (2) and 938.34 and the department of health and social services under s.
15 51.35 (3).

16 **SECTION 2.** 301.26 (4) (d) 3m. of the statutes, as created by 1995 Wisconsin Act
17 27, is amended to read:

18 301.26 (4) (d) 3m. Beginning on July 1, 1996, and ending on December 31, 1996,
19 the per person daily cost assessment to counties shall be \$138.19 for care in a Type
20 1 secured correctional facility, as defined in s. 938.02 (19), \$138.19 for care for
21 children transferred from a juvenile correctional institution under s. 51.35 (3),
22 \$153.98 for care in a child caring institution, including a secured child caring
23 institution, \$106.82 for care in a group home for children, \$23.80 for care in a foster
24 home, \$68.58 for care in a treatment foster home, \$82.11 for departmental corrective
25 sanctions services and ~~\$11.48~~ \$15.31 for departmental aftercare services.

1 **SECTION 3.** 301.26 (4) (d) 4. of the statutes, as created by 1995 Wisconsin Act
2 27, is amended to read:

3 301.26 (4) (d) 4. Beginning on January 1, 1997, and ending on June 30, 1997,
4 the per person daily cost assessment to counties shall be \$138.19 for care in a Type
5 1 secured correctional facility, as defined in s. 938.02 (19), \$138.19 for care for
6 children transferred from a juvenile correctional institution under s. 51.35 (3),
7 \$157.08 for care in a child caring institution, including a secured child caring
8 institution, \$108.98 for care in a group home for children, \$24.29 for care in a foster
9 home, \$69.95 for care in a treatment foster home, \$82.11 for departmental corrective
10 sanctions services and ~~\$11.48~~ \$15.31 for departmental aftercare services.

11 **SECTION 9112. Nonstatutory provisions; corrections.**

12 (1) JUVENILE CORRECTIONAL SERVICE COST ASSESSMENTS. Notwithstanding section
13 301.26 (4) (d) 3m. and 4. of the statutes, as created by 1995 Wisconsin Act 27, during
14 the period beginning on July 1, 1996, and ending on June 30, 1997, the department
15 of corrections may, not more than once every 6 months, adjust the per person daily
16 cost assessment to counties specified in section 301.26 (4) (d) 3m. or 4. of the statutes
17 for care in a Type 1 secured correctional facility, as defined in section 938.02 (19) of
18 the statutes, or for care for juveniles transferred from a juvenile correctional
19 institution under section 51.35 (3) of the statutes. An adjustment under this
20 subsection to a per person daily cost assessment to counties shall be based on an
21 actual change in the population of juveniles receiving those types of care from the
22 projected average daily population of 1,130 for fiscal year 1996-97 and shall be
23 calculated as follows:

24 (a) For each 1% decrease in the average daily population, the department of
25 corrections may increase the per person daily cost assessment to counties by 0.6%.

1 (b) For each 1% increase in the average daily population, the department of
2 corrections may decrease the per person daily cost assessment to counties by 0.6%.

3 **SECTION 9212. Appropriation changes; corrections.**

4 (1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of
5 the statutes for the appropriation to the department of corrections under section
6 20.410 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount is
7 increased by \$1,256,400 for fiscal year 1995-96 and the dollar amount is increased
8 by \$1,861,800 for fiscal year 1996-97 to increase funding for the purpose for which
9 the appropriation is made.

10 (2) GENERAL PROGRAM OPERATIONS; POSITION INCREASES. In the schedule under
11 section 20.005 (3) of the statutes for the appropriation to the department of
12 corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995,
13 the dollar amount is increased by \$112,000 for fiscal year 1996-97 to increase the
14 authorized FTE positions for the department by 2.0 GPR positions on July 1, 1996,
15 for the performance of services for which the appropriation is made.

16 (3) INTERGOVERNMENTAL CORRECTIONS AGREEMENTS. In the schedule under
17 section 20.005 (3) of the statutes for the appropriation to the department of
18 corrections under section 20.410 (1) (ab) of the statutes, as affected by the acts of
19 1995, the dollar amount is increased by \$1,357,800 for fiscal year 1995-96 and the
20 dollar amount is increased by \$2,956,500 for fiscal year 1996-97 to increase funding
21 for the purpose for which the appropriation is made.

22 (4) PURCHASED GOODS, CARE AND SERVICES FOR OFFENDERS. In the schedule under
23 section 20.005 (3) of the statutes for the appropriation to the department of
24 corrections under section 20.410 (1) (d) of the statutes, as affected by the acts of 1995,
25 the dollar amount is increased by \$22,300 for fiscal year 1995-96 and the dollar

1 amount is increased by \$53,900 for fiscal year 1996-97 to increase funding for the
2 purpose for which the appropriation is made.

3 (5) PRISON INDUSTRIES. In the schedule under section 20.005 (3) of the statutes
4 for the appropriation to the department of corrections under section 20.410 (1) (km)
5 of the statutes, as affected by the acts of 1995, the dollar amount is increased by
6 \$259,100 for fiscal year 1996-97 to increase the authorized FTE positions for the
7 department by 3.0 PR positions on July 1, 1996, for the performance of services for
8 which the appropriation is made.

9 **SECTION 9412. Effective dates; corrections.**

10 (1) JUVENILE SERVICE RATES. The treatment of section 301.26 (4) (b) and (d) 3m.
11 and 4. of the statutes takes effect on July 1, 1996, or on the day after publication,
12 whichever is later.

13 (END)