



1999 SENATE BILL 138

April 28, 1999 - Introduced by Senators RISSER, GEORGE and PLACHE, cosponsored by Representatives BOYLE, POCAN, YOUNG, MORRIS-TATUM and COGGS. Referred to Committee on Insurance, Tourism, Transportation and Corrections.

1 **AN ACT to repeal** 301.21, 302.02 (3t), 302.18 (3), 302.25, 302.255 and 302.26; **to**
2 **renumber and amend** 301.07; **to amend** 20.410 (1) (a), 20.410 (1) (ab), 20.410
3 (1) (b), 301.21 (1m) (a) (intro.), 301.21 (1m) (a) 1., 301.21 (2m) (a) (intro.) and
4 301.21 (2m) (a) 1.; **to repeal and recreate** 301.07; and **to create** 301.07 (2) (b)
5 and (c) and 301.21 (5) of the statutes; **relating to:** the confinement of Wisconsin
6 prisoners in other states and withdrawing Wisconsin from the interstate
7 corrections compact.

Analysis by the Legislative Reference Bureau

Under current law, a prisoner sentenced to the Wisconsin state prisons may be sent to another state for confinement in a prison in that state if the department of corrections (DOC) contracts for the confinement of Wisconsin prisoners with the other state, a political subdivision of the other state or a private person operating a private prison located in the other state. In addition, a prisoner sentenced to the Wisconsin state prisons may be sent to another state for confinement in a federal prison located in that state if DOC contracts with the federal government for the confinement of Wisconsin prisoners. As of January 1, 1999, DOC has entered into several contracts that provide for the confinement of Wisconsin prisoners in federal, state, local and private prisons in Minnesota, Oklahoma, Tennessee, Texas and West Virginia.

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In addition, Wisconsin is a party to the interstate corrections compact. Under this compact Wisconsin may enter into contracts with other states that are party to the compact to provide for the confinement of prisoners in those other states. As of January 1, 1999, DOC has entered into contracts under the compact with several other states.

This bill eliminates DOC's authority to send Wisconsin prisoners to other states. Specifically, the bill: 1) prohibits DOC from sending any prisoners to another state on or after the date on which the bill becomes law; 2) withdraws Wisconsin from the interstate corrections compact; and 3) prohibits DOC from entering into any new contracts for the confinement of prisoners in another state. Except for contracts entered into under the interstate corrections compact, any contract that is in effect on the date on which the bill becomes law must be terminated by a specified date, which will be approximately one year from the date on which the bill becomes law. Prisoners confined in other states under one of these contracts will have to be returned to Wisconsin by the date on which the contract terminates.

With respect to contracts entered into under the interstate corrections compact, the compact provides that withdrawal from the compact takes effect one year after notice of withdrawal has been sent to the appropriate officials of other states. Contracts entered into before the effective date of withdrawal remain in effect and Wisconsin must provide for the return to this state of prisoners confined in other states under those contracts.

For further information see the *state* 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.** 20.410 (1) (a) of the statutes is amended to read:

2 20.410 (1) (a) *General program operations.* The amounts in the schedule to
3 operate institutions and provide field services and administrative services. No
4 payments may be made under this paragraph for payments in accordance with other
5 states party to the interstate corrections compact under s. 302.25.

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

7 20.410 (1) (ab) *Corrections contracts and agreements.* The amounts in the
8 schedule for payments made in accordance with contracts entered into under ss.
9 301.21, 302.25 and s. 302.27, contracts entered into with the federal government

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1 under 18 USC 5003 and intra-agency agreements relating to the placement of
2 prisoners.

3 **SECTION 3.** 20.410 (1) (b) of the statutes is amended to read:

4 20.410 (1) (b) *Services for community corrections.* The amounts in the schedule
5 to provide services related to probation, extended supervision and parole, the
6 intensive sanctions program under s. 301.048, the community residential
7 confinement program under s. 301.046, programs of intensive supervision of adult
8 offenders and minimum security correctional institutions established under s.
9 301.13. ~~No payments may be made under this paragraph for payments in accordance~~
10 ~~with other states party to the interstate corrections compact under s. 302.25.~~

11 **SECTION 4.** 301.07 of the statutes is renumbered 301.07 (1) and amended to
12 read:

13 301.07 (1) The department may cooperate with the federal government in
14 carrying out federal acts concerning adult corrections and youth corrections and

15 (2) (a) Except as provided in par. (b), the department may not enter into
16 contracts, renew or extend any contract with the federal government under 18 USC
17 5003.

18 **SECTION 5.** 301.07 of the statutes, as affected by 1999 Wisconsin Act ... (this
19 act), is repealed and recreated to read:

20 **301.07 Cooperation with federal government.** The department may
21 cooperate with the federal government in carrying out federal acts concerning adult
22 corrections and youth corrections.

23 **SECTION 6.** 301.07 (2) (b) and (c) of the statutes are created to read:

24 301.07 (2) (b) If the department and the federal government entered into a
25 contract under 18 USC 5003 before the effective date of this paragraph [revisor

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1 inserts date], and the contract is still in effect on the effective date of this paragraph
2 [revisor inserts date], the department may renew or extend the contract only if
3 the renewed or extended contract terminates before the first day of the 13th month
4 beginning after the effective date of this paragraph [revisor inserts date]. If the
5 contract has a stipulated termination date that is later than the first day of the 13th
6 month beginning after the effective date of this paragraph [revisor inserts date],
7 or if the contract has no stipulated termination date, the department shall give notice
8 of termination of the contract in accordance with the terms of the contract in a
9 manner that ensures that the contract will be terminated no later than the first day
10 of the 13th month beginning after the effective date of this paragraph [revisor
11 inserts date].

12 (c) Beginning on the effective date of this paragraph [revisor inserts date],
13 the department may not send a prisoner who is located in a prison in this state to
14 another state under a contract entered into with the federal government under 18
15 USC 5003 before the effective date of this paragraph [revisor inserts date], that
16 is still in effect on the effective date of this paragraph [revisor inserts date].

17 **SECTION 7.** 301.21 of the statutes, as affected by 1999 Wisconsin Act (this
18 act), is repealed.

19 **SECTION 8.** 301.21 (1m) (a) (intro.) of the statutes is amended to read:

20 301.21 (1m) (a) (intro.) The Except as provided in sub. (5) (a), the department
21 may enter into one or more contracts with another state or a political subdivision of
22 another state for the transfer and confinement in that state of prisoners who have
23 been committed to the custody of the department. Any such contract shall provide
24 for all of the following:

25 **SECTION 9.** 301.21 (1m) (a) 1. of the statutes is amended to read:

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1 301.21 **(1m)** (a) 1. A termination date, subject to sub. (5) (b).

2 **SECTION 10.** 301.21 (2m) (a) (intro.) of the statutes is amended to read:

3 301.21 **(2m)** (a) (intro.) The Except as provided in sub. (5) (a), the department
4 may enter into one or more contracts with a private person for the transfer and
5 confinement in another state of prisoners who have been committed to the custody
6 of the department. Any such contract shall provide for all of the following:

7 **SECTION 11.** 301.21 (2m) (a) 1. of the statutes is amended to read:

8 301.21 **(2m)** (a) 1. A termination date, subject to sub. (5) (b).

9 **SECTION 12.** 301.21 (5) of the statutes is created to read:

10 301.21 **(5)** (a) The department may not enter into a contract under this section
11 on or after the effective date of this paragraph [revisor inserts date].

12 (b) If the department and another state, a political subdivision of another state
13 or a private person entered into a contract under this section before the effective date
14 of this paragraph [revisor inserts date], and the contract is still in effect on the
15 effective date of this paragraph [revisor inserts date], the department may renew
16 or extend the contract only if the renewed or extended contract terminates before the
17 first day of the 13th month beginning after the effective date of this paragraph
18 [revisor inserts date]. If the contract has a stipulated termination date that is later
19 than the first day of the 13th month beginning after the effective date of this
20 paragraph [revisor inserts date], the department shall give notice of termination
21 of the contract in accordance with the terms of the contract in a manner that ensures
22 that the contract will be terminated no later than the first day of the 13th month
23 beginning after the effective date of this paragraph [revisor inserts date].

24 (c) Beginning on the effective date of this paragraph [revisor inserts date],
25 the department may not transfer a prisoner located in this state to another state

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1 under a contract entered into under this section before the effective date of this
2 paragraph [revisor inserts date], that is still in effect on the effective date of this
3 paragraph [revisor inserts date].

4 **SECTION 13.** 302.02 (3t) of the statutes is repealed.

5 **SECTION 14.** 302.18 (3) of the statutes is repealed.

6 **SECTION 15.** 302.25 of the statutes is repealed.

7 **SECTION 16.** 302.255 of the statutes is repealed.

8 **SECTION 17.** 302.26 of the statutes is repealed.

9 **SECTION 18. Nonstatutory provisions.**

10 (1) INTERSTATE CORRECTIONS COMPACT; LIMITATION ON CONTRACTS AND TRANSFERS;
11 WITHDRAWAL.

12 (a) *No new contracts.* Beginning on the effective date of this paragraph, this
13 state may not enter into a contract under section 302.25 of the statutes.

14 (b) *No prisoners to be sent out of state.* Beginning on the effective date of this
15 paragraph, the department of corrections may not send a prisoner who is located in
16 a prison in this state to another state under a contract entered into under section
17 302.25 of the statutes.

18 (c) *Withdrawal.* By the repeal in this act of section 302.25 of the statutes
19 Wisconsin withdraws from the interstate corrections compact. The secretary of
20 corrections shall send formal written notice that this state withdraws from the
21 interstate corrections compact to the appropriate officials of all other party states no
22 later than the first day of the 4th month beginning after the effective date of this
23 paragraph. The secretary of corrections shall also perform all other functions
24 necessary or incidental to withdrawing from the interstate corrections compact.

