

State of Wisconsin



2021 Assembly Bill 569

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to amend* 16.51 (7) and 62.03 (1); and *to create* 60.33 (10p), 61.25 (11) and 62.09 (11) (m) of the statutes; relating to: law enforcement investigative services.

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

SECTION 1. 16.51 (7) of the statutes is amended to read:

16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND JUVENILES IN JUVENILE CORRECTIONAL FACILITIES. Receive, examine, determine, and audit claims, duly certified and approved by the department of corrections, from the ~~county~~ clerk of any county ~~in, city, village, or town, on~~ behalf of the county, ~~city, village, or town,~~ which are presented for payment to reimburse the county ~~reimbursement~~ for certain expenses incurred or paid by it in reference to all matters ~~growing out of actions and proceedings~~ involving prisoners in state prisons, as defined in s. 302.01, or juveniles in juvenile correctional facilities, as defined in s. 938.02 (10p), including prisoners or juveniles transferred to a mental health institute for observation or treatment, ~~when the,~~ The department shall reimburse a county under this subsection for expenses relating to actions or proceedings that are commenced in counties in which the prisons or juvenile correctional facilities are located by a district attorney or by the prisoner or juvenile as a postconviction remedy or a matter involving the prisoner's status as a prisoner or the juvenile's status as a resident of a juvenile correctional facility and for certain expenses incurred or paid by it the county in reference to holding those juve-

niles in secure custody while those actions or proceedings are pending. The department shall reimburse a county, city, village, or town under this subsection for expenses relating to law enforcement investigative services that it provided for an incident involving a prisoner in a state prison or in transit to or from a state prison or a juvenile in a juvenile correctional facility or in transit to or from a juvenile correctional facility within its jurisdiction. Expenses shall only include the amounts that were necessarily incurred and actually paid and shall be no more than the legitimate cost would be to any other county jurisdiction had the offense or crime occurred therein.

SECTION 4. 60.33 (10p) of the statutes is created to read:

60.33 (10p) CLAIMS IN TOWNS CONTAINING STATE INSTITUTIONS. Make a certified claim against the state, without direction from the board, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms prescribed by the department of administration. The forms shall contain information required by the clerk and shall be filed annually with the department of corrections on or before June 1.

SECTION 5. 61.25 (11) of the statutes is created to read:

61.25 (11) To make a certified claim against the state, without direction from the board, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms pre-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

scribed by the department of administration. The forms shall contain information required by the clerk and shall be filed annually with the department of corrections on or before June 1.

SECTION 6. 62.03 (1) of the statutes is amended to read:

62.03 (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j) ~~and (k)~~, ~~and (m)~~, 62.175, 62.23 (7) (em) and (he) and 62.237, does not apply to 1st class cities under special charter.

SECTION 7. 62.09 (11) (m) of the statutes is created to read:

62.09 (11) (m) The clerk of any city that is entitled to reimbursement under s. 16.51 (7) shall make a certified claim against the state, without direction from the council, in all cases in which the reimbursement is directed in s. 16.51 (7), upon forms prescribed by the department of

administration. The forms shall contain information required by the clerk and shall be filed annually with the department of corrections on or before June 1.

SECTION 9. Nonstatutory provisions.

(1) VILLAGE OF ALLOUEZ REIMBURSEMENTS FOR LAW ENFORCEMENT INVESTIGATIVE SERVICES. Notwithstanding ss. 16.51 (7) and 61.25 (11), the Village of Allouez may be reimbursed for law enforcement investigative services in accordance with the memorandum of understanding that is in effect on the effective date of this subsection.

(2) DODGE COUNTY REIMBURSEMENTS FOR LAW ENFORCEMENT INVESTIGATIVE SERVICES. Notwithstanding s. 16.51 (7), Dodge County may be reimbursed for law enforcement investigative services in accordance with the memorandum of understanding that is in effect on the effective date of this subsection.