



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4355/1
EAW:amn

2019 ASSEMBLY BILL 830

January 30, 2020 - Introduced by Representatives GOYKE, GRUSZYNSKI, SARGENT, C. TAYLOR, ZAMARRIPA, NEUBAUER, ANDERSON, POPE, SUBECK, EMERSON, BOWEN, STUBBS, KOLSTE, CROWLEY, CONSIDINE, L. MYERS, OHNSTAD and BILLINGS, cosponsored by Senators L. TAYLOR, JOHNSON, LARSON, RISSER and SMITH. Referred to Committee on Corrections.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 20.410 (1) (a), 20.410 (1) (ab), 302.05 (title), 302.05 (1) (am)
2 (intro.), 302.05 (1) (b), 302.05 (2), 302.05 (3) (b), 302.05 (3) (c) 2. (intro.) and
3 302.05 (3) (d); and **to create** 20.410 (1) (ki), 302.05 (1) (c) and 302.05 (4) of the
4 statutes; **relating to:** earned release upon the completion of a training
5 program, reporting on the aging and elderly prison population, and making an
6 appropriation.

Analysis by the Legislative Reference Bureau

This bill adds inmates who complete a vocational readiness training program while incarcerated to the earned release program. Under current law, if an eligible inmate successfully completes a substance abuse treatment program, the inmate becomes eligible for parole or release to extended supervision regardless of the time the inmate has served. Under the bill, an inmate may become eligible for parole or release to extended supervision regardless of the time the inmate has served if, while incarcerated, he or she successfully completes an educational, vocational, treatment, or other qualifying training program that is evidence-based to reduce recidivism. Under the bill, an inmate may qualify to participate in the earned release program if he or she is incarcerated for a crime other than a violent crime and if the Department of Corrections or the sentencing court determines that the inmate is eligible.

This bill requires DOC to prepare an annual report on the program, including data on participation and rates of recidivism of participants and the cost savings that

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resulted from the program. Under the bill, DOC is required to use the cost savings to fund educational, vocational, treatment, or other qualifying programs.

This bill also requires DOC to prepare a report on the aging and elderly population in Wisconsin's prisons and to evaluate possible options for alternatives to prison for that population.

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. Annually, there
6 is transferred from this appropriation account to the appropriation account under
7 par. (ki) the cost savings reported under s. 302.05 (4) (b) 4.

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

9 20.410 (1) (ab) *Corrections contracts and agreements.* The amounts in the
10 schedule for payments made in accordance with contracts entered into under ss.
11 301.21, 302.25, and 302.27 (1), contracts entered into with the federal government
12 under 18 USC 5003, and intra-agency agreements relating to the placement of
13 prisoners. Annually, there is transferred from this appropriation account to the
14 appropriation account under par. (ki) the cost savings reported under s. 302.05 (4)
15 (b) 4.

16 **SECTION 3.** 20.410 (1) (ki) of the statutes is created to read:

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1 20.410 (1) (ki) *Training programs for inmates.* All moneys transferred from the
2 appropriation accounts under pars. (a) and (ab) to provide vocational readiness
3 training programs that qualify for the earned release program under s. 302.05.

4 **SECTION 4.** 302.05 (title) of the statutes is amended to read:

5 **302.05** (title) **Wisconsin substance abuse program earned release**
6 **program.**

7 **SECTION 5.** 302.05 (1) (am) (intro.) of the statutes is amended to read:

8 302.05 (1) (am) (intro.) The department of ~~corrections~~ and the department of
9 health services may designate a section of a mental health institute as a correctional
10 treatment facility for the treatment of substance abuse use disorder of inmates
11 transferred from Wisconsin state prisons. ~~This section shall be administered by the~~
12 ~~department of corrections and shall be known as the Wisconsin substance abuse~~
13 ~~program.~~ The department of ~~corrections~~ and the department of health services shall
14 ensure that the residents at the institution and the residents in the substance abuse
15 use disorder program:

16 **SECTION 6.** 302.05 (1) (b) of the statutes is amended to read:

17 302.05 (1) (b) The department of ~~corrections~~ and the department of health
18 services shall, at any correctional facility the departments determine is appropriate,
19 provide a substance abuse use disorder treatment program for inmates for the
20 purposes of the program described in sub. (3).

21 **SECTION 7.** 302.05 (1) (c) of the statutes is created to read:

22 302.05 (1) (c) 1. In this paragraph, “vocational readiness training program”
23 means an educational, vocational, treatment, or other evidence-based training
24 program to reduce recidivism.

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1 2. The department shall, at any correctional facility the department
2 determines is appropriate, provide vocational readiness training programs for the
3 purposes of the program described in sub. (3).

4 **SECTION 8.** 302.05 (2) of the statutes is amended to read:

5 302.05 (2) Transfer to a correctional treatment facility for the treatment of
6 substance abuse use disorder shall be considered a transfer under s. 302.18.

7 **SECTION 9.** 302.05 (3) (b) of the statutes is amended to read:

8 302.05 (3) (b) Except as provided in par. (d), if the department determines that
9 an eligible inmate serving a sentence other than one imposed under s. 973.01 has
10 successfully completed a substance use disorder treatment program described in
11 sub. (1) (b) or a vocational readiness training program described in sub. (1) (c), the
12 parole commission shall parole the inmate for that sentence under s. 304.06,
13 regardless of the time the inmate has served. If the parole commission grants parole
14 under this paragraph for the completion of a substance use disorder treatment
15 program, it shall require the parolee to participate in an intensive supervision
16 program for drug abusers as a condition of parole.

17 **SECTION 10.** 302.05 (3) (c) 2. (intro.) of the statutes is amended to read:

18 302.05 (3) (c) 2. (intro.) Upon being informed by the department under subd.
19 1. that an inmate whom the court sentenced under s. 973.01 has successfully
20 completed a substance use disorder treatment program described in sub. (1) (b) or
21 a vocational readiness training program described in sub. (1) (c), the court shall
22 modify the inmate's bifurcated sentence as follows:

23 **SECTION 11.** 302.05 (3) (d) of the statutes is amended to read:

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1 302.05 (3) (d) The department may place intensive sanctions program
2 participants in a treatment program described in sub. (1) (b), but pars. (b) and (c) do
3 not apply to those participants.

4 **SECTION 12.** 302.05 (4) of the statutes is created to read:

5 302.05 (4) (a) In this subsection, “recidivism” means any of the following:

6 1. A return to prison upon revocation of extended supervision, parole, or
7 probation.

8 2. A conviction for a crime that was committed within 3 years of release from
9 confinement.

10 (b) No later than June 15 of each year, the department shall submit a report
11 on participation in vocational readiness training programs qualifying for earned
12 release under sub. (3) to the governor, the chief clerk of each house of the legislature
13 for distribution to the appropriate standing committees under s. 13.172 (3), and the
14 director of state courts. The report shall include all of the following data:

15 1. A list of available vocational readiness training programs and the number
16 of participants in each vocational readiness training program.

17 2. The number of eligible inmates who are on the wait list for participation in
18 a vocational readiness training program, and the department’s methodology for
19 selecting participants from the wait list.

20 3. The rate of recidivism among individuals who earned release through
21 completion of a vocational readiness training program, and whether the recidivism
22 event was return to prison upon revocation or was a conviction for a misdemeanor
23 or felony. The department shall report this data by region and shall include
24 demographic information.

