



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3774/1
CMH:amn&wlj

2015 SENATE BILL 389

November 12, 2015 – Introduced by Senators MARKLEIN, GUDEX, MOULTON, OLSEN, RINGHAND, VINEHOUT and WIRCH, cosponsored by Representatives STEFFEN, BERNIER, BORN, E. BROOKS, R. BROOKS, CONSIDINE, CZAJA, EDMING, GENRICH, JACQUE, KRUG, MACCO, NOVAK, A. OTT, PETRYK, SWEARINGEN and THIESFELDT. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to renumber and amend* 304.074 (2); *to amend* 20.410 (1) (gf) and
2 302.33 (2) (a) 3.; and *to create* 20.410 (1) (gg) and 304.074 (2) (b) of the statutes;
3 **relating to:** reimbursement of counties for probationers, parolees, and persons
4 on extended supervision who are placed with the county pending disposition of
5 revocation proceedings.

Analysis by the Legislative Reference Bureau

Under this bill, each probationer, parolee, and person on extended supervision is charged a \$3 monthly fee to help reimburse each county for costs it incurred while holding an individual pending the disposition of a probation, parole, or extended supervision revocation proceeding. Under current law, counties are reimbursed at the rate of \$40 per person per day unless the amount allocated for reimbursement is insufficient in which case the Department of Corrections (DOC) must prorate the payments. Under this bill, the reimbursement rate remains the same but DOC must use first the proceeds from the new fee and then the account under current law and prorate the payments only if those amounts are insufficient.

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:

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

2 20.410 (1) (gf) *Probation, parole, and extended supervision.* The amounts in the
3 schedule for probation, parole, and extended supervision. All moneys received from
4 vendors under s. 301.08 (1) (c) 4. and from fees charged under s. 304.074 (2) (a) shall
5 be credited to this appropriation account.

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

7 20.410 (1) (gg) *Reimbursement to counties for probation, parole, and extended*
8 *supervision holds.* All moneys received from fees under s. 304.074 (2) (b) to partially
9 reimburse counties, as provided under s. 302.33 (2), for the maintenance of persons
10 who are placed in the county jail or other county facility, or in a tribal jail under s.
11 302.445, pending disposition of probation, parole, or extended supervision
12 revocation proceedings.

13 **SECTION 3.** 302.33 (2) (a) 3. of the statutes is amended to read:

14 302.33 (2) (a) 3. After verification by the department, it shall reimburse the
15 county or tribal governing body at a rate of ~~\$36 per person per day prior to January~~
16 ~~1, 1993, and \$40 per person per day thereafter,~~ subject to the conditions in subds. 1.
17 and 2. Any amount not paid under s. 20.410 (1) (gg) shall be paid under s. 20.410 (1)
18 (bn). If the amount provided under s. 20.410 (1) (bn) for any fiscal year is insufficient
19 to provide ~~complete~~ the balance of the reimbursement at that rate, the department
20 shall prorate the payments under this subdivision to counties or tribal governing
21 bodies for that fiscal year. The department shall not reimburse a county or tribal
22 governing body unless that county or tribal governing body informs the department
23 of the amount of reimbursement to which it is entitled under this subsection no later
24 than September 1 of the fiscal year following the fiscal year for which reimbursement
25 is requested.

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1 **SECTION 4.** 304.074 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is renumbered 304.074 (2) (intro.) and amended to read:

3 304.074 **(2)** (intro.) The department shall charge ~~a reasonable fee as~~
4 ~~determined by the department~~ to probationers, parolees, and persons on extended
5 supervision the following fees:

6 (a) A reasonable fee, as determined by the department, to partially reimburse
7 the department for the costs of providing supervision and services. The department
8 shall collect moneys for the fees charged under this ~~subsection~~ paragraph and credit
9 those moneys to the appropriation account under s. 20.410 (1) (gf).

10 **SECTION 5.** 304.074 (2) (b) of the statutes is created to read:

11 304.074 **(2)** (b) A monthly reimbursement fee of \$3 to partially reimburse
12 counties for costs as provided under s. 302.33 (2) (a). The department shall collect
13 moneys for the fees charged under this paragraph and credit those moneys to the
14 appropriation account under s. 20.410 (1) (gg).

15 **SECTION 6. Effective date.**

16 (1) This act takes effect on the first day of the 5th month beginning after
17 publication.

18

(END)