

# **Assembly Republican Majority Bill Summary**

## **AB 53: Prisoner Reimbursement**

Relating to: Prisoner reimbursement to a municipality.

Introduced by Representatives Gottlieb, Foti, Ainsworth, Bies, J. Fitzgerald, Gielow, Grothman, Gunderson, Gundrum, Hahn, Huebsch, Hundertmark, Jensen, Jeskewitz, Ladwig, Lassa, LeMahieu, M. Lehman, McCormick, Musser, Nass, Ott, Petrowski, Seratti, Stone, Suder, Townsend and Vrakas, cosponsored by Senators S. Fitzgerald, Welch, Kanavas, Kedzie, Lazich, Leibham, Roessler and Stepp.

**Date:** May 6, 2003

### **BACKGROUND**

Under current law, the Department of Corrections (DOC) may charge a prisoner for the some or all of the costs to DOC for the prisoner's incarceration in a state facility. The law allows the attorney general to bring a civil action to recover any costs DOC has not recovered. Current law also allows the county to seek reimbursement from a prisoner for any expenses incurred by the county for incarcerating a prisoner in a county jail who was sentenced for a crime. The county may commence an action in circuit court to obtain a judgment for the expenses, and must do so within 12 months after the release of the prisoner or be barred from bringing the action.

Under current law, a city, village, or town is required to pay expenses incurred by a county to imprison persons that a court orders imprisoned for failing to pay a forfeiture and assessments and costs related to a municipal ordinance violation.

### **SUMMARY OF AB 53**

Assembly Bill 53 allows a city, village, or town to seek reimbursement from a prisoner for the amount paid to a county for the expenses incurred by the county to incarcerate the prisoner. The city, village, or town may commence an action in circuit court to obtain a judgment for the expenses, and must do so within 12 months after the release of the prisoner or be barred from bringing the action.

### **FISCAL EFFECT**

A fiscal estimate prepared by the Department of Corrections indicates an indeterminate fiscal effect. The fiscal estimate indicated that as a result of this bill, it is possible that municipalities would see increased revenue as a result of recovering costs from inmates. However, municipalities and counties could also realize an increase of court costs depending on how many actions municipalities initiate to recover costs.

### **PROS**

1. Assembly Bill 53 allows municipalities to attempt to recover costs paid to a county to house municipal offenders.
2. This bill could provide additional revenue to municipalities.
3. The bill is permissive; a municipality is not required to attempt to recover costs from an inmate.

**CONS**

1. None apparent.

**SUPPORTERS**

Rep. Mark Gottlieb, author; Sen. Scott Fitzgerald, lead co-sponsor; Gail Sumi, WI Alliance of Cities; Michael Miller, City of Milwaukee; Curt Witynski, League of WI Municipalities; Sen. Carol Roessler; Rep. Mickey Foti.

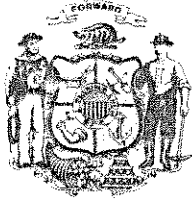
**OPPOSITION**

None have registered in opposition to this bill.

**HISTORY**

Assembly Bill 53 was introduced on February 13, 2003, and referred to the Assembly Committee on Corrections and the Courts. A public hearing was held on February 26, 2003. On March 26, 2003, the Committee voted 9-0-1 [Rep. Suder absent] to recommend passage of AB 53 as amended.

**CONTACT:** Andrew Nowlan, Office of Rep. Garey Bies



# SCOTT FITZGERALD

WISCONSIN STATE SENATOR

**Testimony from Senator Scott Fitzgerald on Assembly Bill 53  
Prisoner Reimbursement to a Municipality**  
Assembly Committee on Corrections and the Courts  
Wednesday February 26, 2003

Chairman Bies and Members of the Committee:

Thank you for holding a public hearing on Assembly Bill 53. I appreciate the opportunity to testify in front of you today.

AB 53 came at the request of a constituent of mine from city of Oconomowoc.

Current law allows the state and the county to recover costs associated with housing an inmate. This bill would allow a city, village, or town the same option. All actions would take place in civil court and must occur within 12 months from release of the prisoner.

At a time when local governments are forced into tight fiscal situations, this is one place where they may be able to help recover some of their costs.

Thank you for allowing me to testify, and if you have any questions Representative Gottlieb or I would be happy to answer them.

STATE CAPITOL

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AB 53

Reimbursement -

Bill muni can seek reimburse  
from pri's for cost paid  
to county for incarceration

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