



State of Wisconsin  
2001 - 2002 LEGISLATURE

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**ASSEMBLY AMENDMENT 2,  
TO 2001 ASSEMBLY BILL 42**

February 7, 2001 – Offered by COMMITTEE ON CORRECTIONS AND THE COURTS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 4: delete “lease” and substitute “construction, lease,”.

3 **2.** Page 2, line 7: after “(i)” insert “and (j)”.

4 **3.** Page 2, line 10: after “(i)” insert “and (j)”.

5 **4.** Page 2, line 14: after “(i)” insert “and (j)”.

6 **5.** Page 4, line 12: after that line insert:

7 “**SECTION 5g.** 20.924 (1) (j) of the statutes is created to read:

8 20.924 (1) (j) May not lease or acquire or authorize the leasing or acquisition  
9 of any building, structure, or facility or portion thereof for initial occupancy by the  
10 department of corrections for the purpose of confining persons serving a sentence of  
11 imprisonment to the Wisconsin state prisons under ch. 973 or for the purpose of  
12 confining juveniles alleged or found to be delinquent unless the construction of the  
13 building, structure, or facility or the conversion of the building, structure, or facility

1 into a correctional facility began either before October 1, 1999, or after the building,  
2 structure, or facility was enumerated in the authorized state building program.

3 **SECTION 5m.** 59.53 (8) of the statutes is amended to read:

4 59.53 (8) REHABILITATION FACILITIES. The board may establish and maintain  
5 rehabilitation facilities in any part of the county under the jurisdiction of the sheriff  
6 as an extension of the jail, or separate from the jail under jurisdiction of a  
7 superintendent, to provide any person sentenced to the county jail with a program  
8 of rehabilitation for such part of the person's sentence or commitment as the court  
9 determines will be of rehabilitative value to the prisoner. Rehabilitation facilities  
10 may be located outside of the county under a cooperative agreement under s. 302.44  
11 (1).

12 **SECTION 5r.** 59.54 (14) (a) of the statutes is amended to read:

13 59.54 (14) (a) A county shall provide a courthouse, fireproof offices and other  
14 necessary buildings at the county seat and keep them in good repair. A county shall  
15 provide a jail or enter into a cooperative agreement under s. 302.44 (1) for the  
16 cooperative establishment and use of a jail. The jail and rehabilitation facilities as  
17 extensions of the jail need not be at the county seat and may be located outside of the  
18 county under a cooperative agreement under s. 302.44 (1).”

19 **6.** Page 5, line 20: after that line insert:

20 “**SECTION 8m.** 301.19 of the statutes is created to read:

21 **301.19 Construction of correctional facilities by private persons. (1)**

22 In this section:

1 (a) "Authorized jurisdiction" means a county, two counties acting under s.  
2 302.44 (1), the United States, or a federally recognized American Indian tribe or band  
3 in this state.

4 (b) "Correctional facility" means a building, structure, or facility or portion  
5 thereof to be used to confine persons serving a sentence of imprisonment to the  
6 Wisconsin state prisons under ch. 973 or to confine juveniles alleged or found to be  
7 delinquent.

8 (2) No person may commence construction of a correctional facility or  
9 commence the conversion of an existing building, structure, or facility into a  
10 correctional facility unless the building, structure, or facility is enumerated in the  
11 authorized state building program.

12 (3) Subsection (2) does not apply to any of the following:

13 (a) A building, structure, or facility that is constructed or converted under a  
14 contract with and for use by an authorized jurisdiction.

15 (b) A building, structure, or facility that is constructed or converted under a  
16 contract with the department if the contract was entered into on or before the  
17 effective date of this paragraph .... [revisor inserts date].

18 (c) A building, structure, or facility the construction of which commenced before  
19 October 1, 1999, if the building, structure, or facility was designed to confine persons  
20 convicted of criminal offenses."

21 **7.** Page 5, line 24: delete "the" and substitute "all of the following apply:

22 "1. The".

23 **8.** Page 6, line 2: after that line insert:

1           “2. The building was enumerated in the authorized state building program  
2 before the construction or conversion began.”.

3           **9.** Page 6, line 24: after that line insert:

4           “**SECTION 10g.** 302.34 of the statutes is amended to read:

5           **302.34 Use of jail of another county.** Courts, judges, and officers of any  
6 county having no jail and no cooperative agreement under s. 302.44 (1) may sentence,  
7 commit, or deliver any person to the jail of any other county as if that jail existed in  
8 their own county. The sheriff of the other county shall receive and keep the prisoner  
9 in all respects as if committed from his or her county. The cost of the keep shall be  
10 paid by the county from which the prisoner was sentenced, committed, or delivered.

11           **SECTION 10k.** 302.44 of the statutes is renumbered 302.44 (1) and amended to  
12 read:

13           302.44 (1) ~~Two or more~~ Subject to sub. (2), two counties may agree under s.  
14 66.0301 for the cooperative establishment and use of the jails and rehabilitation  
15 facilities of any of them for the detention or imprisonment of prisoners before, during  
16 and after trial and for sharing the expense without reference to s. 302.34. The  
17 sheriffs of the counties shall lodge prisoners in any jail or rehabilitation facility  
18 authorized by the agreement and shall endorse the commitment, if any, under s.  
19 302.35 in case detention or imprisonment is in the jail or rehabilitation facility of  
20 another county. Only jails and rehabilitation facilities approved by the department  
21 for the detention of prisoners may be used under the agreement. The sheriff of the  
22 county of arrest shall transport the prisoner to and from court and to any other  
23 institution whenever necessary.

24           **SECTION 10n.** 302.44 (2) of the statutes is created to read:

1           302.44 (2) No more than two counties may enter into an agreement for the  
2 establishment or use of a single jail or rehabilitation facility under sub. (1).”.

3           **10.** Page 9, line 2: after that line insert:

4           “**SECTION 14m.** 973.03 (1) of the statutes is amended to read:

5           973.03 (1) If at the time of passing sentence upon a defendant who is to be  
6 imprisoned in a county jail there is no jail in the county suitable for the defendant  
7 and no cooperative agreement under s. 302.44 (1), the court may sentence the  
8 defendant to any suitable county jail in the state. The expenses of supporting the  
9 defendant there shall be borne by the county in which the crime was committed.”.

10

(END)