



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2221/2
EAW:amn

2021 SENATE BILL 223

March 16, 2021 - Introduced by Senators STAFSHOLT, STROEBEL, COWLES, FEYEN, JACQUE, MARKLEIN and ROTH, cosponsored by Representatives SORTWELL, JAMES, ALLEN, ARMSTRONG, BRANDTJEN, BROOKS, CABRAL-GUEVARA, CALLAHAN, DALLMAN, DITTRICH, DUCHOW, EDMING, GUNDRUM, KITCHENS, KNODL, KRUG, KURTZ, MAGNAFICI, MOSES, MURPHY, MURSAU, ORTIZ-VELEZ, PETRYK, PRONSHINSKE, RAMTHUN, ROZAR, SCHRAA, SKOWRONSKI, STEFFEN, THIESFELDT, TITTL and TRANEL. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

1 **AN ACT to amend** 20.410 (1) (ab), 301.12 (2m), 302.27 (title), 302.33 (1) and
2 302.336 (3) (intro.); and **to create** 302.27 (3) of the statutes; **relating to:**
3 reimbursement to counties or tribes for costs relating to individuals held in a
4 county or tribal facility awaiting transfer to a state prison and making an
5 appropriation.

Analysis by the Legislative Reference Bureau

Under current law, when an individual who has been sentenced to prison is held in a county jail while that individual awaits transfer to the prison, the county is responsible for the costs associated with jailing that individual. Also under current law, the Department of Corrections may enter into a contract with a county or a tribe to temporarily house people who are on probation or who are sentenced to prison or the intensive sanctions program at a daily rate of up to \$60 per person.

Under this bill, if an individual is held in a county jail, other county facility, or tribal jail for more than 10 days awaiting transfer to a state prison, DOC must reimburse the county or tribe for the cost of jailing the individual at the daily contract rate or \$50 per person per day, whichever is greater. Under the bill, a county or tribe may bill DOC for costs incurred beginning on February 1, 2021.

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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:

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

2 20.410 (1) (ab) *Corrections contracts and agreements.* The amounts in the
3 schedule for payments made in accordance with contracts entered into under ss.
4 301.21, 302.25, and 302.27 (1), reimbursements under s. 302.27 (3), contracts
5 entered into with the federal government under 18 USC 5003, and intra-agency
6 agreements relating to the placement of prisoners.

7 **SECTION 2.** 301.12 (2m) of the statutes is amended to read:

8 301.12 (2m) The liability specified in sub. (2) shall not apply to persons 17 and
9 older receiving care, maintenance, services and supplies provided by prisons named
10 in s. 302.01 or by a facility that the department is required to reimburse under s.
11 302.27 (3).

12 **SECTION 3.** 302.27 (title) of the statutes is amended to read:

13 **302.27 (title) ~~Contracts for temporary~~ Temporary housing for or**
14 **detention of persons on probation or prisoners.**

15 **SECTION 4.** 302.27 (3) of the statutes is created to read:

16 302.27 (3) The department shall reimburse a county or tribe for the
17 maintenance of persons who have been sentenced to a state prison and who are
18 placed for more than 10 days in the county jail, county house of correction or other
19 county facility, or tribal jail under s. 302.445, pending transfer to a state prison. The
20 department shall reimburse the county or tribe at the daily contract rate established
21 under sub. (1), or \$50 per person per day, whichever is greater. A county or tribe may

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1 request reimbursement for costs described under this subsection that were incurred
2 by the county or tribe beginning on February 1, 2021. This subsection does not apply
3 to a person described in s. 302.33 (2) (a).

4 **SECTION 5.** 302.33 (1) of the statutes is amended to read:

5 302.33 (1) The maintenance of persons who have been sentenced to the state
6 penal institutions except as provided in sub. (2) and s. 302.27 (3); persons in the
7 custody of the department, except as provided in sub. (2) and ss. 301.048 (7), 302.113
8 (8m), and 302.114 (8m); persons accused of crime and committed for trial; persons
9 committed for the nonpayment of fines and expenses; and persons sentenced to
10 imprisonment therein, while in the county jail, shall be paid out of the county
11 treasury. No claim may be allowed to any sheriff for keeping or boarding any person
12 in the county jail unless the person was lawfully detained therein.

13 **SECTION 6.** 302.336 (3) (intro.) of the statutes is amended to read:

14 302.336 (3) (intro.) Except as provided in sub. (4) and ss. 302.27 (3), 302.33 (2)
15 and 302.38, a county under sub. (1) is solely responsible for:

16 (END)