



MEMORANDUM

TO: Honorable Members of the Assembly Committee on Criminal Justice and Public Safety

FROM: Marcie Rainbolt, Government Affairs Associate

DATE: January 30, 2020

SUBJECT: Opposition to Assembly Bill 805

Assembly Bill (AB) 805 would require the Department of Corrections (DOC) to recommend revoking a person's extended supervision, parole or probation if the person is charged with a crime while on extended supervision, parole, or probation. The Wisconsin Counties Association (WCA) is opposed AB 805 as it will have a harmful fiscal impact on county jails across the state.

State statute, §302.33(2)(a)2, states that the department shall not pay for persons who have pending criminal charges whether or not a departmental hold has been placed on the person. Payment for maintenance by the department is limited to confinements where an offender is held solely because of conduct which violates the offender's supervision and which would not otherwise constitute a criminal offense. AB 805 clearly would increase the number of individuals that would require a hold in county jails thus increasing county jail costs without further financial assistance from the state. Also, AB 805 will increase the number of revocation hearings which will become overly burdensome on the courts and will require individuals to be housed in county jails longer as they await their day in court.

Further, AB 805 does not consider the type of crime committed or allow the DOC the option to reprimand the individual with short-term sanctions developed in 2013 Wisconsin Act 196. One provision of 2013 Wisconsin Act 196 allows the DOC to confine an offender who is on probation or parole for up to 90 days in a county jail or regional detention facility if the offender signs a statement admitting a violation of a condition or rule. If the offender is confined to a county jail, the Department must reimburse the county for its actual costs. Under AB 805, the DOC would be mandated to recommend revocation for a new crime and would no longer be allowed to determine if short-term sanctions or revocation is the best option for the offender.

Due to these concerns, WCA is opposed to AB 805 and urges the committee to study this legislation further before pursuing a vote. If the committee believes that this is the right public policy, WCA would encourage the members to amend the bill and include additional funding for county jails.