



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-4251/1

MJW:wlj

## 2023 SENATE BILL 461

September 29, 2023 - Introduced by Senators JAMES, CABRAL-GUEVARA and TAYLOR, cosponsored by Representatives SORTWELL, TITTL, ARMSTRONG, BALDEH, BRANDTJEN, DONOVAN, GOEBEN, GUNDRUM, MICHALSKI, MOSES, MURSAU, PENTERMAN, SCHMIDT and STEFFEN. Referred to Committee on Judiciary and Public Safety.

AN ACT *to amend* 20.410 (1) (gi); and *to create* 303.066 of the statutes;

**relating to:** creating an immersive work opportunity program for persons incarcerated in the state prisons.

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### *Analysis by the Legislative Reference Bureau*

This bill creates an immersive work opportunity program for prison inmates in this state. Under the program, inmates approaching their release date may apply to participate in the program, which would allow them to work for certain employers at the market wage for the position and be treated as any other employee, including wearing regular clothing to his or her work placement. Program participants may be housed in county facilities closer to work sites and transported to and from work sites by the Department of Corrections.

To be eligible to participate in the immersive work opportunity program, an inmate must have been sentenced to a bifurcated sentence and be within six months of his or her release to extended supervision; be of low or moderate security risk and have a behavioral history while incarcerated that indicates that he or she will not be a danger to the community while released for work; have previously obtained a high school diploma or a high school equivalency diploma or equivalent general education development credential; and agree to follow all DOC and program rules while participating in the program. Additionally, in selecting applicants for the program, DOC must consider whether the applicant has strong

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work history or job skills; an applicant's level of education; an applicant's behavioral history; an applicant's history of mental health challenges, substance abuse issues, or anger management need; and the proximity of the work site to the applicant's crime victim.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

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

20.410 (1) (gi) *General operations.* The amounts in the schedule to operate institutions and provide field services and administrative services. All moneys received under s. 303.01 (8) that are attributable to moneys collected from earnings of inmates and residents under s. 303.01 (2) (em) and all moneys received under ss. 302.386 (2m) and (3) (d) ~~and, 303.065 (6), and 303.066 (6) (c)~~ shall be credited to this appropriation account.

**SECTION 2.** 303.066 of the statutes is created to read:

**303.066 Immersive work opportunity program.** (1) **PROGRAM DESCRIPTION.** In addition to any work release under s. 303.065, the department shall operate an immersive work opportunity program, the purpose of which is to place well-qualified persons who are incarcerated within the state prisons into jobs in the community in which they will be released. Under the program, the department shall identify private employers that are interested in employing incarcerated persons to aid in their transition back into society.

(2) **ELIGIBILITY FOR PARTICIPATION.** (a) *Minimum qualifications.* To be eligible for participation in the immersive work opportunity program, an applicant shall, at a minimum:

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1. Have been sentenced to a bifurcated sentence under s. 973.01 and be within 6 months of his or her release to extended supervision under s. 302.113.

2. Be of low or moderate security risk as determined by the department and have a behavioral history while incarcerated that indicates that he or she will not be a danger to the community while released for work.

3. Have previously obtained a high school diploma or a high school equivalency diploma or equivalent general education development credential.

4. Agree to follow all department and program rules while participating in the program.

(b) *Additional factors to be considered.* In selecting applicants for participation in the immersive work opportunity program, the department shall also consider all of the following factors:

1. Whether the applicant has strong work history or job skills. Factors such as a strong work history, letters of recommendation from past employers, and specialized experience in an in-demand industry or trade shall be favored for program admission.

2. An applicant's level of education. A postsecondary degree or technical certificate shall be favored for program admission.

3. An applicant's behavior while incarcerated. Demonstrated progression, good behavior, and other positive proof points as determined by the department shall be favored for program admission.

4. An applicant's history of mental health challenges, substance abuse issues, or anger management needs. The presence of any of these challenges, issues, or

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needs may not bar the applicant from the program, but unresolved or ongoing challenges, issues, or needs shall be disfavored for program admission.

5. The geographic proximity of the work site to the crime victim. An applicant whose crime victim lives within the geographic scope of employment may be disfavored for program admission.

**(3) SELECTION PROCESS FOR PROGRAM PARTICIPATION.** An incarcerated person interested in participating in the immersive work opportunity program shall apply to the department. Applications shall be reviewed in 2 stages. In the first stage, department staff shall screen an application to ensure that the applicant meets the mandatory qualifications under sub. (2) (a). In the 2nd stage, a selection committee that consists of one representative of the department's reentry unit and such other appropriate division of adult institutions and department personnel shall screen the application by using the factors under sub. (2) (b). If a person's application is selected after both stages of screening, the department shall notify the person, and the person may join the program's pool of prospective employees. From this pool, participants may submit applications, attend interviews, and be hired by participating employers.

**(4) EMPLOYERS.** (a) The department shall identify private employers interested in employing incarcerated individuals under the immersive work opportunity program that agree to meet all of the following criteria:

1. The employer shall treat the program participant as a typical employee while also abiding by the unique requirements for hiring an incarcerated person.

2. The employer shall be responsible for supervising the program participant

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while on the work site and ensuring they do not leave the site or violate any condition established by the department.

(b) Private employers identified under par. (a) may join the program's pool of participating employers. Such employers may solicit applications or resumes from program participants, interview program participants, and hire program participants under an agreement with the department.

(5) TREATMENT OF EMPLOYED PROGRAM PARTICIPANTS. A participant who is employed under the immersive work opportunity program shall be treated as a regular employee when he or she is on duty at the work site. He or she shall be permitted to wear the regular uniform of an employee at that work site and be paid the market wage for the work he or she is performing.

(6) DISBURSEMENT OF WAGES. Wages earned by program participants under this section shall be disbursed by the department as follows:

(a) Payment of applicable federal, state, and local taxes.

(b) Twenty percent of what remains after payment of taxes under par. (a) shall be applied to any fines, fees, or restitution owed by the program participant.

(c) Ten percent of what remains after payment of taxes under par. (a) shall be credited to the appropriation account under s. 20.410 (1) (gi).

(d) The remaining balance after disbursement under pars. (a) to (c) shall be deposited into the program participant's department account.

(7) HOUSING AND TRANSPORTATION FOR EMPLOYED PROGRAM PARTICIPANTS.

(a) *Housing.* The department shall designate and adapt facilities of the state prisons for the purpose of quartering program participants under this section or it

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may arrange and contract for other facilities, including portions of county jails, for inmates employed in the area at the department's expense. No program participant under this section may begin employment until such suitable quarters have been provided in the area of accepted or proffered employment.

(b) *Transportation.* Transportation to and from the work site shall be conducted by and at the expense of the department.

(8) **RELEASE OF PROGRAM PARTICIPANTS.** A program participant under this section may be released into his or her county of residence or the county in which he or she is employed under the immersive work opportunity program under this section.

(END)