



November 2<sup>nd</sup>, 2023

Senator Wanggaard, Chair

Members of the Senate Committee on Judiciary and Public Safety

**Testimony on 2023 Senate Bill 461**

*Relating to: creating an immersive work opportunity program for persons incarcerated in the state prisons.  
(FE).*

Thank you, Chairman Wanggaard and other members of the committee, for hearing my testimony on Senate Bill 461 today. One of the goals of our corrections system is rehabilitation. While our Wisconsin Department of Corrections offers various programs designed to help with substance abuse issues, mental and behavioral health treatments, education, and even job readiness prior to release, SB 461 aims to expand these options for those in our facilities.

Under the current system, there is already a work release program established for inmates that meet the following criteria: reside in a minimum security facility, have "community custody" status, and do not have a record of escape or attempted escape in the last year. The existing program also is not dependent on the potential release date of an inmate. The immersive work opportunity program under this bill has a different set of criteria. An inmate can apply for the program within 6 months of their release and can apply for jobs within the community they will be released in. To qualify for this, the inmate must be a low or moderate security risk, have a behavioral pattern that shows they are not a threat to the community, and have obtained a high school diploma or equivalent certification. In addition to these conditions, the department can also consider the inmate's behavioral and mental health history, job skills, level of education, and geographic proximity to the victim of the crime they were convicted of when deciding if the inmate is allowed to participate.

Ending the stigma of being an incarcerated individual is a crucial component to reintegrating former inmates back into their communities, which is why this bill also includes a specific requirement for those who participate in this immersive work program to be treated as any regular employee and paid the market wage of their work. Under this program, the disbursement of their earned market wage post-taxes is as follows: twenty percent will go to any unpaid fees, fines, or restitution owed, ten percent will be given back to the department, and the remaining balance will towards the participant's department account.

Helping inmates find employment before release aims to provide them with stability as they reenter society, and with a stable foundation comes the reduction of potential recidivism. This investment now could save us taxpayer dollars in the future. Thank you, and I will take any questions at this time.

Respectfully,

Senator Jesse James

23<sup>rd</sup> Senate District

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# SHAE SORTWELL

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STATE REPRESENTATIVE • 2<sup>nd</sup> ASSEMBLY DISTRICT

**Hearing Testimony**  
**Senate Committee on Judiciary and Public Safety**  
**November 2, 2023**  
**Senate Bill 461**

Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety – Thank you for giving me the opportunity to speak on SB 461, which would create an immersive work opportunity program for inmates in Wisconsin prisons.

One of my priorities this session has been to alleviate the case backlog that has been stymieing our district attorney and public defender offices for several years. This backlog has consequently resulted in crimes not being prosecuted and people imprisoned waiting longer to have their day in court. According to the Wisconsin Court website, the median age for a felony case in 2022 was 218 days.

I sat down with multiple DAs and the State Public Defender’s Office to brainstorm ideas that would help. The bill in front of you today is one of the policies we came up with, closely resembling Colorado and Wisconsin’s “Huber Law.” Creating better work opportunities for the incarcerated who will soon be released plays a role in reducing the recidivism rate, meaning fewer cases to file in district attorney and public defender offices. It will further expand the pool of workers for businesses facing current workforce shortages.

The program would be administered by the Department of Corrections for eligible inmates in Wisconsin’s low- and moderate-security risk prisons. Inmates would have the opportunity to be housed in county prisons or stay at their state prison to be closer to work sites.

To be eligible to participate in the 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 they 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.

In selecting applicants for the program, DOC must consider whether the applicant has strong 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 needs, and the proximity of the work site to the applicant's crime victim.

Additionally, I will note our offices are working with the sheriffs on an amendment to give them more discretion for this program.

I appreciate the opportunity to testify on this legislation and would gladly answer any questions the committee may have.



To: Members, Senate Committee on Judiciary & Public Safety  
From: Badger State Sheriffs' Association (BSSA)  
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)  
Date: November 2, 2023  
**RE: Testimony For Information Only on Senate Bill 461**

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The Badger State Sheriffs' Association and Wisconsin Sheriffs and Deputy Sheriffs Association respectfully submit this statement for information only on Senate Bill 461, which creates a new immersive work opportunity program for eligible inmates in low and moderate security risk prisons.

Our organization represents Sheriffs that currently contract with the Department of Corrections for "contract beds" for DOC inmates. This legislation allows DOC to utilize contract beds for the purpose of housing inmates to participate in this new work opportunity program. While not addressed in this bill, but related, BSSA/WS&DSA continues to advocate to increase the contract bed rate (currently at a per diem rate of \$51.46) as well as additional reimbursement for medical and pharmaceutical costs – something that can be a big cost driver for county jails that is not presently reimbursed under the DOC Contract Bed agreements.

A Sheriff has the ability currently to contract out beds with DOC. If a Sheriff chose to contract with DOC for the purposes of this work opportunity program, our organizations request that there should be some additional clarification added to the bill. Our organizations request that an amendment be added to clarify that that the Sheriff, who is Constitutionally responsible for maintaining the jail, can approve the program participant, select an employer, and have the discretion for the Sheriff to return the program participant to DOC prison at any point. We would also support DOC reimbursement for medical and pharmaceutical costs for any inmate that is in this program and residing in a county jail contract bed.

BSSA/WS&DSA has provided this feedback to the bill's Assembly author and continues to work collaboratively to develop an amendment to address our concerns.

*The Badger State Sheriffs' Association represents all of Wisconsin's 72 elected county sheriffs. The Wisconsin Sheriffs and Deputy Sheriffs Association is a professional organization representing over 1,000 members, including sheriffs, deputies, and jail officers. Our organizations have a joint legislative committee and work closely on public safety issues of concern to our members.*

**Senate Bill 461:** The Department of Corrections (DOC) has been a vocal advocate for increasing resources and programs to assist the persons in our care with finding and maintaining meaningful employment. Under the Evers' Administration, we have been able to increase the number of DWD Job Centers within our facilities, expand Windows to Work in partnership with the Workforce Development Boards, and increase postsecondary educational opportunities with the expansion of Pell Grants.

While we support the concept behind this bill, we feel it is duplicative of our current work release program as well as 2017 Wisconsin Act 89 which created the following language:

302.27 (2) Inmates who are confined or detained under sub. (1) may be granted the privilege of leaving the facility during necessary and reasonable hours to engage in employment-related activities including seeking employment, engaging in employment training, working at employment, performing community service work, or attendance at an educational institution, or for any other activity designated in the contract under sub. (1). The sheriff, superintendent of the house of correction, or tribal chief of police, in conjunction with the department, shall determine inmate eligibility to participate in such activities and may terminate participation or return an inmate to state facilities, or both, at any time.

Eligible persons in our care, with the permission of the Sheriff, can serve up to their last 12 months of confinement at the jail in the county they plan to release to. They may also be granted Huber privileges. We have several agreements with counties in place that implement the provisions of Act 89.

The bill language is not clear if the intent is to expand our current work release program to individuals classified at medium or minimum custody. DOC has 4 custody classifications for persons in our care: maximum, medium, minimum, and minimum community. Currently, a person must be classified at minimum community to be eligible for work release. We have significant security concerns should these types of work opportunities be expanded to individuals at our medium facilities.

The bill would provide eligibility to persons in our care who are within 6 months of release. Our current work release opportunities go far beyond 6 months. Current code/policy does not specify a cut-off timeframe; however, we have many individuals on work release who still have several years left to serve and they are able to pay child support, restitution, other court fees and save for release while still serving their confinement time.

The bill includes a list of additional factors to be considered when providing this opportunity to persons in our care. For example, if someone has a strong work history they should be favored; if someone has a technical diploma they should be favored; and mental health or substance use disorder problems should disfavor someone. Additionally, individuals with mental health challenges or substance use disorders can still successfully hold a job and will likely need to once released. This provision could be viewed as discriminating against those with mental health or substance use disorder diagnoses, which may result in challenges from the ACLU, Disability Rights Wisconsin or other advocacy organizations.

For each of these bills, we look forward to working with members of the legislature on any revisions that may be needed, and with our partner agencies anywhere our work may intersect.