

2009 BILL

1 **AN ACT** *to renumber and amend* 301.26 (4) (b); *to amend* 301.26 (4) (bm),
2 301.26 (4) (c), 301.26 (4) (cm) 1. and 301.26 (4) (cm) 2.; and *to create* 301.26 (3)
3 (d) and 301.26 (4) (b) 2. of the statutes; **relating to:** funding to counties to cover
4 increase in juvenile corrections costs.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on High-Risk Juvenile Offenders.

Under current law, counties are financially responsible for the costs of juvenile delinquency-related services except for certain juveniles, such as those placed in the Serious Juvenile Offender Program and juveniles who are convicted as adults in the adult criminal justice system. The community youth and family aids program ("youth aids") provides each county with an annual allocation of state and federal funds from which the county may pay for juvenile delinquency-related services, including out-of-home

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placements and non-residential, community-based services for juveniles. For correctional services, the Department of Corrections (DOC) bills counties based upon a statutory daily rate for the service provided.

This bill provides that if there is an increase in the daily rate charged to counties for correctional services, DOC must allocate additional funds to counties to cover the increases. In distributing this funding, the bill requires DOC to consider each county's proportionate use of applicable DOC-provided services during the previous calendar years.

1 **SECTION 1.** 301.26 (3) (d) of the statutes is created to read:

2 301.26 **(3)** (d) In addition to the funds allocated under par. (c), the department
3 shall allocate funds to counties under sub. (4) (b) 2. and shall consider each county's
4 proportionate use of applicable services of the department under s. 938.34 during the
5 previous calendar years.

NOTE: Requires DOC to allocate funds, in addition to each county's youth aids allocation, if there is an increase in the daily rate charged to counties for DOC-provided juvenile correctional services, and requires DOC to consider each county's proportionate use of those services in making the allocation.

6 **SECTION 2.** 301.26 (4) (b) of the statutes is renumbered 301.26 (4) (b) 1. and
7 amended to read:

8 301.26 **(4)** (b) 1. Assessment of costs under par. (a) shall be made periodically
9 on the basis of the per person per day cost estimate specified in par. (d) 2. and 3.
10 Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
11 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
12 jurisdiction under chs. 48 and 938 for each person receiving services from the
13 department of corrections under s. 48.366, 938.183, or 938.34 or the department of
14 health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and
15 (cm), in multicounty court jurisdictions, the county of residency within the
16 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
17 par. (a) shall also be made according to the general placement type or level of care
18 provided, as defined by the department, and prorated according to the ratio of the

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1 amount designated under sub. (3) (c) and (d) to the total applicable estimated costs
2 of care, services, and supplies provided by the department of corrections under ss.
3 48.366, 938.183, and 938.34 and the department of health services under s. 46.057
4 or 51.35 (3).

5 **SECTION 3.** 301.26 (4) (b) 2. of the statutes is created to read:

6 301.26 (4) (b) 2. If there is an increase in the per person daily cost assessments
7 specified in par. (d) 2. or 3., there shall be an increase in the total funds available to
8 all counties under sub. (3) (d) to cover increases for state charges under par. (a).

NOTE: Provides that, if there is an increase in the daily rate charged to counties
for DOC-provided juvenile correctional services, there must be an increase in the total
funds available to counties to cover increases in those charges.

9 **SECTION 4.** 301.26 (4) (bm) of the statutes is amended to read:

10 301.26 (4) (bm) Notwithstanding par. (b) 1., the county department under s.
11 46.21, 46.22 or 46.23 of the county of residency of a juvenile who has been adjudicated
12 delinquent by a court of another county or by a court of another multicounty
13 jurisdiction may voluntarily assume liability for the costs payable under par. (a). A
14 county department may assume liability under this paragraph by a written
15 agreement signed by the director of the county department that assumes liability
16 under this paragraph and the director of the county department that is otherwise
17 liable under par. (b) 1.

18 **SECTION 5.** 301.26 (4) (c) of the statutes is amended to read:

19 301.26 (4) (c) Notwithstanding pars. (a), (b) 1., and (bm), the department of
20 corrections shall pay, from the appropriation under s. 20.410 (3) (hm), (ho). or (hr),
21 the costs of care, services, and supplies provided for each person receiving services
22 under s. 46.057, 48.366, 51.35 (3), 938.183, or 938.34 who was under the

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1 guardianship of the department of children and families pursuant to an order under
2 ch. 48 at the time that the person was adjudicated delinquent.

3 **SECTION 6.** 301.26 (4) (cm) 1. of the statutes is amended to read:

4 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) 1., and (bm), the department
5 shall transfer funds from the appropriation under s. 20.410 (3) (cg) to the
6 appropriations under s. 20.410 (3) (hm), (ho), and (hr) for the purpose of reimbursing
7 juvenile correctional facilities, secured residential care centers for children and
8 youth, alternate care providers, aftercare supervision providers, and corrective
9 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
10 care of any juvenile 14 years of age or over who has been placed in a juvenile
11 correctional facility based on a delinquent act that is a violation of s. 943.23 (1m) or
12 (1r), 1999 stats., s. 948.35, 1999 stats., or s. 948.36, 1999 stats., or s. 939.32 (1) (a),
13 940.03, 940.06, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10
14 (2), 943.23 (1g), 943.32 (2), 948.02 (1), 948.025 (1), or 948.30 (2), that is a conspiracy
15 to commit any of those violations, or that is an attempted violation of s. 943.32 (2)
16 and for the care of any juvenile 10 years of age or over who has been placed in a
17 juvenile correctional facility or secured residential care center for children and youth
18 for attempting or committing a violation of s. 940.01 or for committing a violation of
19 s. 940.02 or 940.05.

20 **SECTION 7.** 301.26 (4) (cm) 2. of the statutes is amended to read:

21 301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) 1., and (bm), the department
22 shall transfer funds from the appropriation under s. 20.410 (3) (cg) to the
23 appropriations under s. 20.410 (3) (hm), (ho), and (hr) for the purpose of reimbursing
24 juvenile correctional facilities, secured residential care centers for children and
25 youth, alternate care providers, aftercare supervision providers, and corrective

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1 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
2 care of any juvenile 14 years of age or over and under 18 years of age who has been
3 placed in a juvenile correctional facility under s. 48.366 based on a delinquent act
4 that is a violation of s. 940.01, 940.02, 940.05, or 940.225 (1).

5

(END)