
Wisconsin Legislative Council

MINUTES



STUDY COMMITTEE ON INCREASING OFFENDER EMPLOYMENT OPPORTUNITIES

201 Southeast, State Capitol
Madison, WI
January 11, 2023
10:00 a.m. – 2:25 p.m.

COMMITTEE MEMBERS PRESENT: Sen. Mary Felzkowski, Chair; Rep. Michael Schraa, Vice Chair; Sen. Lena Taylor; Reps. Evan Goyke, Warren Petryk, and Shelia Stubbs; and Public Members Jan Allman, Sadique Isahaku, Eli Rivera, and Elizabeth Roddy.

COMMITTEE MEMBER EXCUSED: Public Member Reijo Wahlin.

COUNCIL STAFF PRESENT: Katie Bender-Olson, Principal Attorney, and Peggy Hurley, Senior Staff Attorney.

APPEARANCES: Paulina Gutiérrez, Legislative Advisor, Department of Corrections (DOC).

ATTENTION: This was the final meeting of the Study Committee on Increasing Offender Employment Opportunities. Committee members are requested to send any corrections regarding minutes to the Legislative Council staff. After the incorporation of any corrections, these minutes will be considered approved by the committee.

CALL TO ORDER AND APPROVAL OF THE MINUTES FROM THE NOVEMBER 10, 2022 MEETING

Chair Felzkowski called the meeting to order; it was determined that a quorum was present.

Motion to approve the minutes from the November 10, 2022 meeting by Representative Stubbs; seconded by Ms. Allman. The motion passed by unanimous consent.

DISCUSSION OF BILL DRAFTS AND COMMITTEE ASSIGNMENT

LRB-0516/P5, relating to establishing a hotline for employers interested in hiring individuals with a conviction record

Peggy Hurley described the bill, which requires the Department of Workforce Development to maintain a hotline for employers who are interested in hiring released persons that is staffed by employees who can provide information on hiring programs and to maintain a website with the same information.

There was no additional discussion by the committee and this draft will be added to the mail ballot after the committee's hearings conclude.

LRB-6555/P4, relating to earned release for inmates upon the completion of a vocational readiness training program and granting rule-making authority

Katie Bender-Olson described the bill to the committee, noting that the bill expands the earned release program to include persons who complete an employment readiness program. The bill limits the amount of time that can be converted from confinement to extended supervision, requires an annual report from DOC, and allows DOC to promulgate rules for the program.

Ms. Bender-Olson also described the proposed changes from DOC: DOC would like the reporting requirement changed from annual to biannual and would like to change the categories of data that must be included in the report.

In response to a question from the committee, Ms. Gutiérrez explained that the DOC definition of "recidivism" is a specialized definition used in their programming and utilizing information available to them. The proposed change to the bill incorporates a definition of recidivism that includes information DOC can provide.

The committee discussed the bill, seeking clarification of the types of data that DOC can quantify in its report, discussing the merits of annual and biannual reports, and expressing its understanding that DOC will be motivated to incorporate the assistance of experts to make the program as effective as possible.

After discussion, the committee agreed to redraft the bill to incorporate the changes requested by DOC, except that the committee would like the report to be submitted every even year and would like DOC to include, in its data on recidivism rates among program participants, an explanation of the reasons a person was re-incarcerated.

LRB-6560/P5, relating to establishing and operating community reentry centers and making an appropriation

Ms. Bender-Olson described the bill as drafted and explained the changes requested by DOC. The bill requires DOC to contract with nonprofit agencies to establish reentry centers to serve as a "one stop shop" where people who are released from incarceration can receive a variety of services and have access to a variety of assistance in securing employment, housing, and treatment. The bill establishes required services that must be offered at each reentry center and requires DOC to submit a report on the effectiveness of the centers.

The bill, with the proposed changes from DOC, requires DOC to contract with at least one nonprofit, modifies the list of required services, changes the requirements for reporting by having the nonprofit track the data and submit it to DOC for reporting to the Legislature, and changes some of the language relating to what the DOC supervising agents must do at the reentry centers.

Ms. Gutiérrez explained that some of DOC's requested changes are mere changes to terminology, while others are more substantive, such as clarifying that people who are not on supervision or otherwise under DOC authority cannot be served by DOC at the reentry centers. She explains that DOC is not able to track or report recidivism in the manner required in the original draft, and noted that the requested changes in the data reporting reflects DOC's focus on outcomes. Ms. Gutiérrez also noted that the bill does not provide dedicated funding for this program and that, without funding, DOC would be required to take money from an existing program and divert it to this new program.

Chair Felzkowski asked about where these new centers will be created, and about the proposed change relating to services for people who are not on supervision. Ms. Gutiérrez pointed out that the nonprofits can still serve people not on supervision, but DOC agents cannot. Ms. Allman ensured that Brown County is next in line for a center, noting that the county has done extensive work to prepare. Representative Stubbs pointed out that Dane County has also committed to establishing a reentry center in the near future.

Committee members would like to see several reentry centers established. Representative Stubbs would like to see the state separated into four quadrants, with a reentry center serving each quadrant. She would also like to allow counties to apply for these contracts, in addition to nonprofit agencies.

The committee then expressed its ultimate goal that reentry centers be established in each of the eight regions DOC currently uses to divide its services around the state. The committee would like to see language reflecting that goal in the next draft, but agrees to limit the language to require only one center, with priority given to establishing centers in the three counties with the largest populations of released individuals. The committee additionally agreed to change the draft to allow DOC to contract with nonprofits or for-profit organizations or with governmental entities to administer the centers.

The committee discussed whether individuals who receive services at a center may be in violation of their conditions of release but was told by Ms. Gutiérrez that DOC would develop a plan to ensure that people who go to the centers do not violate their supervision rules. The committee agreed to not include language to address this issue in the draft, but did agree to incorporate the requirement that requires DOC, when granting contracts, to give priority to organizations that collaborate with technical colleges, workforce investment boards, justice-involved individuals, reentry services, and criminal justice coordinating councils (CJCCs) to provide services at the centers. The committee also agreed to change the relating to data collection and reporting suggested by DOC.

LRB-6561/P2, relating to a certification of rental readiness and granting rule-making authority

LRB-1301/P1, relating to a certification of rental readiness, funding to cover damages caused by certificate of rental readiness holders, and granting rule-making authority

Ms. Hurley described these bills together, as both of them contain the same requirement for DOC work with other agencies and organizations to establish a program to grant released persons a certificate of rental readiness. LRB-6561/P2 would grant, to landlords who rent residential property to a person who holds a certificate of rental readiness, immunity from civil liability for certain acts committed by the person who holds the certificate. LRB-1301/P1 would allow WHEDA to establish a bonding program that would cover, for the first two years following release, physical damage to a residential rental property caused by a person who holds a certificate of rental readiness.

The committee noted that the bill is limited to bonding program covering physical damages to property and wonders if the bill could be expanded to cover loss of income/rental payments in case the person is reincarcerated or loses his or her job. Discussion ensued and the committee decided to leave the bill as currently drafted.

Ms. Gutiérrez noted that the bills have no funding available and the bills require an entirely new program with new rules. She thinks that this would be a large unfunded mandate and is especially troubled by the burdensome rulemaking authority.

Dr. Sadique Isahaku proposed combining the two rental readiness bills into one. After discussion, the committee agreed to replace the creation of a brand new program with a requirement that DOC

includes rental readiness training into its pre-release reentry programming and issue a certification that the person has completed training on rental readiness.

The committee agreed that the new draft will offer the bonding and the civil immunity to any person who has completed the pre-release reentry programming with the rental readiness component.

PLANS FOR FUTURE MEETINGS

Ms. Bender-Olson explained that the committee will not meet again, but new versions of the bills will be drafted incorporating the changes agreed to by the committee. Those new drafts will be circulated to the committee members with a paper ballot for approval of the new bills. After the committee agrees which bills it wishes to forward, the Joint Legislative Council will vote on which of the forwarded bills it wants to introduce.

Representative Schraa thanked the committee members for their service and commitment to this committee's work.

ADJOURNMENT

The meeting adjourned at 2:25 p.m.

PJH:ksm