



2013 SENATE BILL 125

April 3, 2013 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Health and Human Services.

1 **AN ACT to create** 16.964 (19) and 20.505 (6) (kw) of the statutes; **relating to:**
2 disabled offender recidivism reduction pilot programs, and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

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

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on Review of Emergency Detention and Admission of Minors Under Chapter 51.

The bill creates a pilot program to assist eligible offenders in county correctional facilities. The pilot program will assist the offenders in obtaining certain benefits upon their release from the facility to help reduce recidivism after release. Under the bill, an "eligible offender" means an incarcerated person who was previously eligible for or who may, upon release, become eligible for, social security disability insurance (SSDI), supplemental security income (SSI), or medical assistance (MA), including any applicable MA-related program. Under the bill, a "county correctional facility" means a county jail, house of correction, or rehabilitation facility, whether operated by one county or more than one county. Also, under the bill, a county correctional facility may include a state-local shared correctional facility.

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The bill directs the office of justice assistance (OJA) to seek funding for the pilot program and, after at least \$300,000 in funding has been obtained, to make grants to up to four counties to administer the pilot program. The bill provides that grants made to counties may not supplant existing local resources.

Under the bill, a county may be eligible for a grant award if the county's pilot program will:

1. Identify eligible offenders in county correctional facilities who wish to apply for the targeted benefit programs.

2. Provide individualized assistance to the offenders in applying for the targeted benefit programs to allow the offender to receive the benefits immediately upon the date of the offender's release.

3. Include coordination among the county, law enforcement, the department of corrections (DOC), the department of health services (DHS), and the social security administration to reduce application processing times and increase application success rates.

4. Operate for at least 2 years and include performance outcome measurements and data collection to allow for the evaluations that are required under the bill.

The bill also allows OJA to establish additional eligibility requirements, criteria, and procedures that a county must meet in order to be eligible for the program. OJA must collaborate with DOC and DHS in establishing eligibility criteria, selecting grantees, determining amounts awarded, and administering the grant program generally. The bill expressly provides that OJA is not required to promulgate administrative rules in establishing criteria for the grant program.

Under the bill, a county that receives a grant for a pilot program must create an oversight committee to advise the county in administering and evaluating the pilot program, consisting of: (1) a representative of the county; (2) the county sheriff or his or her designee; (3) a representative of the county human services department, social services department, or community programs department; (4) one or more representatives from private service organizations; (5) one or more consumers with program eligibility experience; and (6) other members to be determined by the county. Under the bill, a "consumer with program eligibility experience" means an individual who previously obtained eligibility for SSDI or SSI, as applicable, and MA or an applicable MA-related program, or a member of the family of an individual who previously obtained eligibility for those programs. The bill provides that DOC and DHS may participate in the activities of the oversight committee and must provide consultation services to the oversight committee.

The bill allows 2 or more counties to administer a joint pilot program. The bill provides that counties applying jointly must submit a written agreement specifying each county department's role in the program, and if a joint pilot program is created, the oversight committee must consist of representatives from each county.

The bill requires pilot program grants to be awarded on a calendar year basis, and grantees must get notice of funding no later than September 1 of the year preceding the year for which the grant will be made.

Under the bill, a county that receives a grant for a pilot program must comply with state audits. In addition, the county, in collaboration with DOC, DHS, and the oversight committee, must conduct a preliminary evaluation of the pilot program as of the conclusion of the first year, and a comprehensive evaluation of the pilot program as of the conclusion of the second year. Both evaluations must provide an assessment of the pilot program's operations, including its success at achieving the goals of the program as

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outlined in the bill. The preliminary evaluation must be submitted in writing to OJA and each member of the oversight committee by the February 15 following the conclusion of the first year. The comprehensive evaluation must be submitted in writing to the same recipients by the February 28 following the conclusion of the second year.

Under the bill, by the March 15 following each year in which a pilot program is in operation, OJA must, in collaboration with DOC and DHS, submit a report to the legislature summarizing the results of all pilot program evaluations and including recommendations regarding how the program should be structured in the future.

The bill specifies that most of its provisions would take effect the day after its publication as an act; however, the requirement that OJA award grants to counties to administer the pilot program would not take effect until after OJA receives at least \$300,000 in funding for the program.

1 **SECTION 1.** 16.964 (19) of the statutes is created to read:

2 16.964 **(19)** (a) In this subsection:

3 1. “Consumer with program eligibility experience” means either of the
4 following:

5 a. An individual who is or who has been eligible for social security disability
6 insurance or supplemental security income, and who is or who has been eligible for
7 medical assistance, including any applicable medical assistance-related program.

8 b. A member of the family of an individual who is or has been eligible for social
9 security disability insurance or supplemental security income, and who is or has
10 been eligible for medical assistance, including any applicable medical
11 assistance-related program.

12 2. “County correctional facility” means a county jail, a county house of
13 correction, or a rehabilitation facility established under s. 59.53 (8), whether
14 operated by one county or more than one county. A county correctional facility may
15 include a state-local shared correctional facility under s. 302.45.

16 3. “County department” means a county department under s. 46.215, 46.22,
17 46.23, 51.42, or 51.437.

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1 4. “Eligible offender” means an incarcerated person who has been eligible for
2 or who may, upon release, become eligible for social security disability insurance,
3 supplemental security income, or medical assistance, including any applicable
4 medical assistance-related program.

5 (b) The office shall seek grant moneys from the state, a political subdivision of
6 the state, the federal government, or any other source, public or private, for the
7 administration of a pilot program to reduce recidivism of eligible offenders who are
8 released from county correctional facilities, in accordance with this subsection.

9 (c) The office shall make grants to up to 4 counties to enable them to establish
10 a pilot program in accordance with this subsection. The office shall make the grants
11 from the appropriation under s. 20.505 (6) (kw). The office shall collaborate with the
12 departments of corrections and health services in establishing this grant program,
13 including in developing criteria and procedures for use in selecting grantees, in
14 determining amounts awarded, and in administering the grant program.
15 Notwithstanding s. 227.10 (1), the criteria and procedures need not be promulgated
16 as rules under ch. 227. The grant that a county receives under this subsection may
17 not supplant existing local resources.

18 (d) A county shall be eligible for a grant award under par. (c) if all of the
19 following apply to the county’s pilot program:

20 1. The pilot program will identify eligible offenders within county correctional
21 facilities in the pilot program’s geographic area who wish to apply for social security
22 disability insurance, supplemental security income, or medical assistance, including
23 any applicable medical assistance-related programs.

24 2. The pilot program will provide individualized assistance to offenders
25 identified under subd. 1. to ensure that timely application is made for the programs

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1 or benefits, prior to the offender's release, in order to allow the maximum number of
2 offenders to participate in or receive the programs or benefits immediately upon the
3 date of the offender's release from the county correctional facility.

4 3. The pilot program is adequately structured to include coordination among
5 the county or counties involved in the program, law enforcement, the department of
6 corrections, the department of health services, and the social security
7 administration, to reduce application processing times and increase application
8 success rates.

9 4. The pilot program is designed to operate for at least 2 years and includes
10 performance outcome measurements and data collection to allow for the evaluations
11 described in par. (e) 2.

12 5. The county complies with other eligibility requirements, criteria, and
13 procedures established by the office, in collaboration with the departments of
14 corrections and health services, under par. (c).

15 (e) 1. A county that receives a grant under this subsection shall create an
16 oversight committee to advise the county in administering and evaluating its pilot
17 program. Each committee shall consist of a representative of the county, the county
18 sheriff or his or her designee, a representative of the county department, one or more
19 representatives from private service organizations, one or more consumers with
20 program eligibility experience, and other members to be determined by the county.
21 The departments of corrections and health services may participate in the activities
22 of and shall provide ongoing consultation services to an oversight committee created
23 under this subdivision.

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1 2. A county that receives a grant under this subsection shall comply with state
2 audits and shall, in collaboration with the departments of corrections and health
3 services and the oversight committee established under subd. 1.:

4 a. At the conclusion of the pilot program's first year, conduct a preliminary
5 evaluation of the pilot program's operations, including its success at achieving the
6 goals outlined in par. (d); and, by February 15 following the conclusion of the first
7 year, provide the results of the preliminary evaluation in writing to the office and
8 each member of the oversight committee established under subd. 1.

9 b. At the conclusion of the pilot program's second year, and any subsequent
10 year, conduct a comprehensive evaluation of the pilot program's operations,
11 including its success at achieving the goals outlined in par. (d); and, by February 28
12 following the conclusion of that year, provide the results of the comprehensive
13 evaluation in writing to the office and each member of the oversight committee
14 established under subd. 1.

15 3. By the March 15 following any year in which a pilot program under this
16 subsection is in operation, the office, in collaboration with the departments of
17 corrections and health services, shall submit a report to the chief clerk of each house
18 of the legislature, for distribution to the appropriate standing committees under s.
19 13.172 (3), regarding the status of the grant program. The report shall summarize
20 the results of the evaluation under subd. 2. and include recommendations regarding
21 how the program should be structured in the future.

22 (f) Two or more counties may jointly apply for and receive a grant under this
23 subsection. If counties apply jointly, they shall provide to the office a written
24 agreement specifying each county department's role in developing, administering,
25 and evaluating the program. In the event of a joint pilot program, the oversight

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1 committee established under par. (e) 1. shall include representatives from each
2 county.

3 (g) Grants provided under this subsection shall be provided on a calendar year
4 basis. If the office decides to make a grant to a county under this subsection, the office
5 shall notify the county of its decision and the amount of the grant no later than
6 September 1 of the year preceding the year for which the grant will be made.

7 **SECTION 2.** 20.505 (6) (kw) of the statutes is created to read:

8 20.505 (6) (kw) *County disabled offender recidivism reduction grants.* All
9 moneys received under s. 16.964 (19) (b) to provide grants to one or more counties
10 under s. 16.946 (19) (c) for a pilot program to reduce recidivism of eligible offenders
11 who are released from county correctional facilities.

12 **SECTION 3. Effective dates.** This act takes effect on the day after publication,
13 except as follows:

14 (1) The treatment of section 16.946 (19) (c) and (d) of the statutes takes effect
15 on the first day after the office of justice assistance receives at least \$300,000 in
16 funding under section 16.946 (19) (b) of the statutes, as created by this act.

17 (END)