

2009 Session

Administrative Rule Number
DOC 309

FISCAL ESTIMATE

DOA-2048 N(R06/99)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject Changing existing DOC 309, Wis Adm Code related to funds collected for inmate release accounts.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

- Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

 Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Under the current administrative rule for inmate release accounts an inmate is required to deposit 15% of their earned or received income (received income is from a personal source) up to a maximum of \$500. The Department uses a declining balance approach for all outstanding debt based on the order deductions are to be applied and the percentage used. However, if an inmate has a FIFO (first in/first out) noted on his or her account, those debts must be met prior to any other outstanding obligations, including an inmate's release account. FIFO covers over draft payments, institution loans, medical co-payments, and victim witness obligations. Also, inmates that receive income from a personal source are not always obligated to pay outstanding debt with these funds. In some court cases a judge orders that income received from a personal source cannot be used towards outstanding debt. If that happens, the inmate receives these funds in full without any deductions applied.

The new administrative rule reduces the required deduction from 15% to 10% and increases the maximum amount from \$500 to \$5,000. The new rule also expands what an inmate can request out of his or her release account prior to release. Currently an inmate can only request funds for street clothing and out-of-state travel. Under this rule an inmate will be able to request funds prior to release to be used for re-entry purposes into the community as well as reimbursement costs related to incarceration, such as legal loans or restitution. The release of these funds must be authorized by the Department; otherwise the funds will be distributed upon release from prison.

The new rule also provides an adjustment to the maximum savings every five years based on the consumer price index percentage. The consumer price index increase should increase the total amount an inmate can save into their release account.

Long-Range Fiscal Implications

Prepared by:
Sue Loniello

Telephone No.
240-5524

Agency
Corrections

Authorized Signature:
Robert Margolies
Robert Margolies

Telephone--No.
240-5056

Date
8/31/09

Based on Department inmate release collection data from FY07-09 (3-years) an average of \$210.65 was saved per inmate during that time period. The proposal reduces the savings percentage from 15% to 10% of an inmate's earned or received income. The result of this change would be reduced savings by (\$10.53) or \$200.12 per inmate over a three year period. Based on the new average savings amount it would take an inmate 75 years to accumulate \$5,000. Currently, it takes 7 years of incarceration to reach \$500.

The procedural changes are not expected to have any state fiscal impact.