

## CORRECTIONS

### Omnibus Motion [LFB Paper 255 thru 257, 259, 265, and 270 thru 273]

#### Motion:

Move to modify the Governor's recommendations related to the Department of Corrections as follows:

#### ***Departmentwide***

1. *Standard Budget Adjustments - Overtime [Paper #255]*. Adopt Alternative 3 to modify the Governor's recommendation by providing overtime funding of \$38,889,400 GPR and \$2,876,900 PR annually, but specify that \$9,273,200 GPR and \$820,500 PR annually be placed in the Joint Committee on Finance's supplemental appropriation for the Department to submit a request for release [This amount represents the increase for overtime over base funding in the bill.]

In addition, modify s. 16.50(3)(f) to require that the Department of Administration Secretary quarterly report to the Joint Committee on Finance: (a) the base number of existing surplus positions in an agency; (b) the number of surplus positions each agency has created; and (c) the amounts spent on surplus positions.

2. *Eliminate Long-Term Vacancies and Transfer Funding and Positions in Division of Management Services [Paper 256]*. Adopt the modification to restore funding and a position (\$39,100 GPR and 1.0 GPR position annually) which were inadvertently eliminated twice under two separate provisions in the bill.

3. *Change General Program Operations Appropriation from Annual to Biennial Appropriation [Paper #257]*. Adopt Alternative 2 to delete the provision.

#### ***Adult Institutions***

1. *Adult Correctional Facility Populations, Division of Adult Institutions Population Management, Population and Inflationary Costs, and Prison Contract Bed Funding [Paper #259]*. Adopt Alternative 1 to approve the Governor's recommendation to estimate an average daily population in adult correctional institutions, centers, and contract beds of 21,610 inmates in 2011-12 and 21,217 inmates in 2012-13.

For population-related costs, provide \$7,764,800 GPR in 2011-12 and \$10,398,500 GPR in 2012-13 to reflect population-related cost adjustments for prisoners in facilities operated by the Division of Adult Institutions, including (a) \$1,074,700 in 2011-12 and \$1,611,600 in 2012-13 for food costs; (b) \$3,713,800 in 2011-12 and \$3,704,200 in 2012-13 for variable nonfood costs, such as clothing, laundry, inmate wages, and other supplies; and (c) \$2,976,300 in 2011-12 and \$5,082,700 in 2012-13 for inmate health care.

Further, delete \$22,701,100 GPR in 2011-12 and \$29,954,800 GPR in 2012-13 related to a projected decline in the adult prison population. Funding was calculated based on the current daily contract rate of \$51.46 and assuming a reduced prison population of 1,208 in 2011-12 and 1,593 in 2012-13. The funding reductions would be distributed as follows: (a) contract beds, -\$3,766,900 in 2011-12 and -\$3,756,600 in 2012-13 associated with 200 fewer contract beds; (b) food, -\$4,666,100 in 2011-12 and -\$7,461,100 in 2012-13; and (c) variable nonfood costs, -\$14,268,100 in 2011-12 and -\$18,737,100 in 2012-13.

### ***Sentencing Modifications***

1. *Repeal and Modify 2009 Act 28 Sentencing Modifications [Paper #265]*. Adopt Alternative 2 to approve the Governor's recommendation to repeal and modify the Act 28 sentencing modifications, except for the risk reduction sentence provision, which would be retained.

### ***Juvenile Corrections***

1. *Statutory Daily Rates, Juvenile Appropriation Deficit, and SJO Funding [Paper #270]*. Adopt Alternative 1 to approve the Governor's recommendation to establish the statutory daily rates for the juvenile correctional facilities (\$284 in 2011-12 and \$289 in 2012-13), corrective sanctions (\$99 in 2011-12 and \$100 in 2012-13), and aftercare supervision (\$40 annually). The daily rates for the juvenile correctional facilities would include a \$17 increase in each year for the purpose of eliminating the deficit in the juvenile correctional services appropriation.

In addition, adopt Alternative 2 which would create a non-statutory provision specifying that the amount added to the statutory rates in the 2011-13 biennium to address the juvenile correctional services deficit be added to the statutory rates in future biennia until the deficit is eliminated.

2. *Closure of Ethan Allen and Southern Oaks Girls Schools, and Transfer Juveniles to Lincoln Hills School and New Copper Lake School [Paper #271]*. Adopt Alternate 1 to approve the Governor's recommendation to delete \$23,281,600 PR in 2011-12 and \$23,167,300 PR in 2012-13 and 284.0 positions annually associated with the Ethan Allan School (EAS) and Southern Oaks School (SOGS). Provide \$1,800,000 GPR in 2011-12 and \$1,710,000 GPR in 2012-13 and 15.0 GPR positions annually for ongoing maintenance of the grounds and facilities for the closed schools. The provision includes: (a) deleting funding and positions associated with

EAS and SOGS; (b) increasing funding and positions associated with expanding the Lincoln Hills School to accommodate juveniles transferred from EAS; and (c) creating the Copper Lake School for girls in Lincoln Hills to accommodate the juveniles transferred from SOGS.

In addition, adopt Alternative 3 to require Corrections to submit a report on juvenile correctional services, including: (a) service providers; (b) number of juveniles served, and whether they are county- or state-supervised; and (c) costs of such services. Specify that the report be submitted by June 30, 2012.

3. *Youth Aids Funding [Paper #272]*. Adopt Alternative 1 to approve the Governor's recommendation to reduce youth aids by \$9,834,100 GPR annually, associated with a 10% reduction to supplies and other non-personnel costs, and revise the calendar year allocations of youth aids to reflect adjusted distributions for the 2011-13 biennium, as follows: (a) \$45,478,000 from the last six months of 2011; (b) \$90,956,100 for 2012; and (c) \$45,478,000 for the first six months of 2013. In addition, repeal the federal appropriation for youth aids created in 2009 Act 28 for receipt of monies from the American Reinvestment and Recovery Act.

4. *Alternate Care [Paper #273]*. Adopt Alternative 1 to approve the Governor's recommendation to adjust funding for alternate care by -\$65,400 PR in 2011-12 and \$182,500 PR in 2012-13 to reflect population estimates and adjusted rates. Delete the specified rates for residential care centers, group homes, treatment foster homes, and regular foster homes, and instead specify that the daily cost assessment for these placements be an amount equal to the amount the provider charges the Department.

### ***Other Provisions***

1. Require that the management of each correctional institution hold regular meetings with correctional officers within the institution to discuss potential or ongoing safety concerns at the institution and develop solutions to those problems. Require the Department with the Office of State Employment Relations to develop a staff assignment policy, which must consider an employee's seniority related to shift preference.

2. Require the Department of Corrections to report to the Joint Committee on Finance by October 1, 2011, on the following: (a) the number of nursing staff and associated costs in 2009-10 and 2010-11, broken out by correctional facility; and (b) a summary of all Departmental contracts and associated costs in 2009-10 and 2010-11 for nursing services, broken out by contract.

3. Permit filming and/or taping in common areas of community-based residential facilities certified under Chapter 51 of the statutes with corrections-only clients. Under current law, community-based residential facilities that are licensed under Chapter 50 of the statutes (Uniform Licensure) with corrections-only clients are permitted to use video surveillance, filming, and taping in common areas. Similar facilities that are also certified under Chapter 51 of the statutes (State Alcohol, Drug Abuse, Developmental Disabilities and Mental Health Act) with corrections-only

clients are permitted to use video surveillance in common areas, but not filming or taping. The motion would remove this restriction.

4. Modify current law to prohibit the Department from loaning inmates funds to pay for paper, photocopy work, or postage of more than \$100 annually, rather than \$200 annually. Specify that the inmate may not receive another loan until the original loan has been repaid, or the inmate has made repayment arrangements with the warden.

5. Modify s. 938.34(3)(f) of the statutes, which authorizes placement of a juvenile at a juvenile detention facility, a juvenile portion of a county jail, or a place of non-secure custody designated by the court for any combination of single or consecutive days totaling not more than 30, as follows: (a) increase the time period from 30 days to 180 days; and (b) include other authorized placements specified under s. 938.34(3) under the section. Specify that for any placements exceeding 30 days, alcohol and other drug abuse (AODA) programming and counseling be available.

6. Authorize health care providers, medical staff, or receiving institution intake staff to notify the following individuals regarding certain health care issues of prisoners: (a) correctional officer who has custody or is responsible for supervision of a prisoner; (b) a person designated by a jailer to have custodial authority over a prisoner; or (c) a law enforcement officer or other person responsible for transferring a prisoner to or from prison or jail. Specify that the health care provider, medical staff, or receiving institution intake staff would be:

a. Required to release patient health care records upon request without informed consent, if the health care record indicates that the prisoner has a communicable disease and disclosure of that information is necessary for the health and safety of the prisoner or of other prisoners, of the person whom the information is disclosed, or of any employee of the prison or jail.

b. May disclose HIV test results, if an HIV test result is positive and disclosure of that information is necessary for the health and safety of the test subject or of other prisoners, of the person to whom the information is disclosed, or of any employee of the prison or jail.

c. Require receiving institution intake staff to disclose information in a prisoner's health summary form or complete medical file, if the information indicates that the prisoner has a communicable disease and if disclosure of that information is necessary for the health and safety of the prisoner or of other prisoners, of the person to whom the information is disclosed, or of any employee of the prison or jail.

d. Require the Department or jail to disclose information in a prisoner's treatment summary, if the information indicates that the prison has a communicable disease and if disclosure of that information is necessary for the health and safety of the prisoner or of other prisoners, of the person to whom the information is disclosed, or of any employee of the prison or jail.

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Note:

This motion would address the budget items relating to the Department of Corrections in the 2011-13 budget bill. The net fiscal effect of this motion is \$39,100 GPR and 1.0 GPR position annually.

[Change to Bill: \$78,200 GPR and 1.0 GPR position]

