



A Summary of Recent Legislative Action on Criminal Justice

This month, Wisconsin state lawmakers wrapped up the legislative session that began in January 2015. In this session, they passed several bills that affect public safety and the state’s corrections system. They also missed several opportunities to make major improvements to the corrections system.

The legislature is scheduled to be out of session for the rest of the year. Occasionally lawmakers call for a special session of the legislature that is not on the regular schedule, but assuming they do not do that, they will next meet in January 2017. Bills that did not pass during this session can be brought up again at that time, but will have to start the process over.

REMOVING A BARRIER TO EMPLOYMENT

Getting a job can help individuals leaving incarceration avoid future involvement in the criminal justice system. But some employers ask about previous convictions early in the application process, and immediately disqualify anyone who checks the box indicating they have ever been incarcerated. That practice makes it harder for people leaving incarceration to become contributing members of their community.

Early this year, lawmakers removed a barrier to employment for people leaving incarceration by “banning the box” for most state jobs. That means that lawmakers required the state to wait until the end of the application process to ask about a candidate’s past involvement in the criminal justice system, giving potential employees an opportunity to be first evaluated on their merits.

Lawmakers’ move to ban the box for most state jobs was part of a larger package that made significant changes to the state’s civil service system. (2015 Wisconsin Act 150)

KEEPING PEOPLE OUT OF PRISON AND IN TREATMENT

Lawmakers expanded a program that keeps offenders who commit minor crimes out of prison or jail, instead treating their mental health and addiction problems.

Proposals Affecting Criminal Justice in the 2015-16 Legislative Session

OUTCOME	PROPOSAL
Passed	Make it easier for people leaving incarceration to get jobs
Passed	Increase resources to keep people who commit minor crimes out of prison or jail
Passed	Increase penalties for repeat drunk drivers, at a significant cost
Did not pass	Keep children who commit non-violent crimes out of adult corrections system
Did not pass	Require lawmakers to know the cost of changes to criminal penalties before voting
Did not pass	Pass a package of bills aimed at improving safety and fairness

Passed



Make it easier for people leaving incarceration to get jobs



Increase resources to keep people who commit minor crimes out of prison or jail



Increase penalties for repeat drunk drivers, at a significant cost

Did not pass



Keep children who commit non-violent crimes out of adult corrections system



Require lawmakers to know the cost of changes to criminal penalties before voting



Pass a package of bills aimed at improving safety and fairness

Wisconsin's Treatment Alternative and Diversion (TAD) program awards state grants to counties for programs that keep people with addiction and mental health issues out of jail and prison, and in effective treatment programs. Wisconsin's TAD program has grown in recent years and has served as a model for other states seeking to reduce incarceration and corrections costs, but only about half of Wisconsin counties currently get grants from the state to support these alternatives.

Legislators approved spending an additional \$2 million on treatment and diversion in each of the next two years. Each dollar the state invests in the TAD program saves \$1.96 in public costs by reducing incarceration and lowering the risk that offenders will commit new crimes, according to a research study. Not all those savings accrue to the state budget, but it's clear that expanding the TAD program is a smart investment that will pay dividends over time for Wisconsin's communities, families, and the state. (Assembly Bill 657)

INCREASING PENALTIES FOR REPEAT DRUNK DRIVING

Lawmakers increased penalties for people who have been convicted of drunk driving four or more times. Only four states have higher rates of drunk driving than Wisconsin, according to a survey from the Centers for Disease Control and Prevention that asked residents if they had recently driven after drinking too much.

The higher penalties for drunk driving come with a very substantial cost. The change is expected to increase the number of people in the state prison system, thereby costing the state an additional \$98 million to \$129 million per year. In addition to that amount, the state may need to build additional facilities to provide alcohol treatment to the offenders, with construction costs adding a one-time cost of \$157 million to the total cost of the bill. (AB 536/Senate Bill 455)

MISSED OPPORTUNITIES TO IMPROVE PUBLIC SAFETY

The legislature did not approve several changes that would have enhanced the safety of Wisconsin's communities and improved the state's corrections system, including:

- Keeping children who commit non-violent crimes out of the adult correctional system. Wisconsin is one of only a few states that treats 17-year olds as adults in the corrections system, meaning that students still in high school can be put in prison with adults. The Second Chance bill would have allowed 17-year olds who commit non-violent crimes and who have not previously committed crimes to be treated as juveniles in the correction system. The bill had broad bipartisan support. (AB 378/SB 280)
- Ending the exemption that forces lawmakers to vote on changes to criminal penalties without knowing the cost. Before lawmakers vote on legislation, state officials are required to prepare an estimate of how much the bill will cost in public money. However, legislative rules make an exception for bills that include changes in criminal penalties. On these bills lawmakers must vote in the dark, without any estimates on how future costs will be affected by their decisions. Lawmakers did not pass a resolution that would have ended that exemption. (Assembly Joint Resolution 101/SJR 85)
- Reforming the state's criminal justice system. Representative Evan Goyke circulated a package of bills aimed at making communities safer while creating a more efficient and effective criminal justice

system. The bills would change how the state treats people in the criminal justice system before and after conviction and would also make structural changes to Wisconsin's public safety system. The package was not introduced until the very end of the session but could serve as a starting point for criminal justice reform in the next legislative session.