

Statutes, Policies, and Practices Affecting Prisoner Reentry in Wisconsin

by Wisconsin Department of Corrections staff

Mary Kay Kollat, Reentry Director
 Bill Grosshans, Division of Community Corrections Assistant Administrator
 Robert Margolies, Legislative Liaison
 John Dipko, Public Information Director
 Alec Loftus, Communications Specialist

The vast majority of prisoners will one day return to communities across Wisconsin. The public is best served if offenders are not only held accountable for their actions, but also have the opportunity to become law-abiding and successful members of the community when they are released. By improving prisoner reentry, the goal is crime reduction, fewer new crime victims, reduced state and local criminal justice costs, and most importantly safer families and communities.

The following table provides an overview of federal law, Wisconsin’s State Statutes, and/or Department of Correction practices that impact offender reentry on selected areas requested by the Wisconsin Family Impact Seminars.

Item	Related Policy
Driver’s License	Wisconsin State Statute 343.31 addresses revocation or suspension of licenses after convictions or declarations such as (a) homicide or great bodily harm resulting from the operation of a motor vehicle and which is criminal under s. 346.62 (4), 940.06, 940.09, 940.10 or 940.25., and (b) any felony in the commission of which a motor vehicle is used.
Food Pantries	In each area of the state, the local Department of Corrections staff are aware of food pantries, and direct offenders in need of such assistance to the community partners.
Food Stamps	The recently passed biennial budget requires the Wisconsin Department of Corrections to assist offenders, prior to release, in applying for assistance under the FoodShare program. The budget item specifies that an institution’s address may be initially utilized in the application process and allows an authorized correctional employee to receive telephone calls on an offender’s behalf for matters related to the FoodShare program. The Department of Corrections is working with the Department of Health and Family Services on developing a process to implement this requirement.
Grounds for divorce	Wisconsin State Statute 767.315 outlines grounds for divorce and legal separation. Wisconsin is a “no fault” divorce state. That means that no grounds or “fault” is necessary to file a divorce. The only legal basis for divorce in Wisconsin is an “irretrievable breakdown.”
Homeless Shelters	In each area of the state, the local Department of Corrections staff are aware of homeless shelters and can direct offenders to shelters as a last resort if other suitable housing locations are not identified. Staying in a homeless shelter would be a short-term solution to allow offenders to keep a roof over their head until a more suitable long-term residence is identified.



Identification Cards	The recently passed biennial budget requires the Wisconsin Department of Corrections to provide a state identification card to individuals released from prison who do not possess another form of identification. The Department of Corrections is collaborating with the Department of Transportation, the Office of Vital Statistics and the Social Security Administration to develop a process to implement this requirement.
Medicaid Benefits	Gainful employment and access to medical services are important keys to success for offenders upon release from a correctional facility and during community supervision. Access to medical services is critical to many offenders under our supervision that have engaged in a high-risk life style. When an offender lacks the capability to be gainfully employed due to age, a medical or mental condition, or a disability, their access to medical services is impacted. Re-engaging in criminal behavior is more likely if an offender is unable to meet these basic life needs. Because of this, in June, 2004 the Secretary of Corrections signed Administrative Directive #30. The policy indicates that by agreement with the Department of Health and Family Services, completed applications for Wisconsin Medicaid benefits will be accepted and processed up to 23 days prior to an incarcerated offender's anticipated release from a correctional facility.
Parental Rights	Wisconsin State Statute 48.415 includes a list of serious felonies that can serve as grounds for termination of parental rights such as homicide or solicitation to commit homicide of a parent, parenthood as a result of sexual assault, commission of a serious felony against one of the person's children, or sexual assault of a child.
Registration with police	<p>The Division of Community Corrections may require an offender to have contact with local law enforcement agencies. This is frequently required of offenders who transfer into a new area or are received on interstate compact supervision. An agent may wish to use this procedure to verify an offender has reported to law enforcement to resolve minor warrants (e.g., non-criminal traffic warrants, failure to pay fines, etc.).</p> <p>The Department is required to provide advance notification to local law enforcement agencies of a prison inmate's release to field supervision. This practice is mandatory.</p> <p>Some sex offenders are required to have face-to-face contact with local law enforcement upon release from an institution or receipt on probation. These offenders must also have face-to-face contact with local law enforcement officials whenever they move to another law enforcement jurisdiction during the course of their supervision. This practice is mandatory.</p>
Restriction of rights of firearm ownership	Wisconsin State Statute 941.29 prohibits the possession of a firearm by any person convicted of a felony for life. A pardon and federal authorization can restore the right.
Restriction of the right to hold public office	In November 1996, the electors of the State of Wisconsin ratified a constitutional amendment which bars any person who has been convicted of a felony for which they have not been pardoned, or who has been convicted of a misdemeanor involving a violation of public trust for which they have not been pardoned, from holding a state or local office.

Sex offender registration	<p>In 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act was enacted. The Act required all states to establish stringent registration programs for sex offenders by September 1997, including the identification and lifetime registration of “sexual predators.” The Act is a national law that is designed to protect children and was named after Jacob Wetterling, an eleven-year-old boy who was kidnapped in October 1989. Megan’s Law, the first amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Act, was passed in October 1996. Megan’s Law mandated all states to develop notification protocols that would allow public access to information about sex offenders in the community.</p> <p>On June 1, 1997, Wisconsin Act 440, the Sex Offender Registration and Community Notification law, became effective allowing for the collection and dissemination of information related to certain sex offenders.</p> <p>Wisconsin Statute 301.45 required the Wisconsin Department of Corrections to create a Sex Offender Registry Program for individuals adjudicated, convicted, and/or committed under included offenses, or comparable offenses in other state and federal jurisdictions. Under Wisconsin Statute 301.45, a registrant must report his/her residence, employment, and school enrollment, while under supervision and for 15 years from discharge, or for life, whichever applies.</p>
Voting while in prison and after release	<p>Wisconsin State Statute 6.03(1)(b) prohibits voting by any person convicted of treason, felony, or bribery, unless the person’s right to vote is restored through a pardon or under s. 304.078 (3). This process also restores the right to jury duty.</p> <p>304.078(2) Except as provided in sub. (3), every person who is convicted of a crime obtains a restoration of his or her civil rights by serving out his or her term of imprisonment or otherwise satisfying his or her sentence. The certificate of the department or other responsible supervising agency that a convicted person has served his or her sentence or otherwise satisfied the judgment against him or her is evidence of that fact and that the person is restored to his or her civil rights. The department or other agency shall list in the person’s certificate rights which have been restored and which have not. Persons who served out their terms of imprisonment or otherwise satisfied their sentences prior to August 14, 1947, are likewise restored to their civil rights on and after September 25, 1959.</p> <p>304.078(3) If a person is disqualified from voting under s. 6.03 (1) (b), his or her right to vote is restored when he or she completes the term of imprisonment or probation for the crime that led to the disqualification. The department or, if the person is sentenced to a county jail or house of correction, the jailer shall inform the person in writing at the time his or her right to vote is restored under this subsection.</p>