



State of Wisconsin
2023 - 2024 LEGISLATURE

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2023 ASSEMBLY BILL 757

December 6, 2023 - Introduced by Representatives BALDEH, MADISON, CLANCY, HONG, MOORE OMOKUNDE, CONLEY, SINICKI, JOERS, OHNSTAD, SHELTON, EMERSON, STUBBS, J. ANDERSON, PALMERI, SUBECK, DRAKE, JACOBSON, ANDRACA, HAYWOOD and NEUBAUER, cosponsored by Senator ROYS. Referred to Committee on Corrections.

1 **AN ACT** *to create* 301.03 (16m), 302.075 and 302.076 of the statutes; **relating**
2 **to:** climate control in state correctional institutions and county jails and houses
3 of correction and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the warden or superintendent of a state correctional institution or the county sheriff or person in charge of a county jail or house of correction to ensure that the heating, ventilation, and air conditioning in the state correctional institution or county jail or house of correction are in working order and to ensure that the temperature in each housing unit is not less than 68 degrees Fahrenheit and not more than 76 degrees Fahrenheit at all times. The bill also requires the warden or superintendent of a state correctional institution or the county sheriff or person in charge of a county jail or house of correction to record the temperatures in all housing facility common areas and two random cells located in substantially different areas of each housing unit on any day that the outdoor temperature is below 10 degrees Fahrenheit or above 90 degrees Fahrenheit and requires the Department of Corrections to report that temperature data to the legislature on an annual basis.

The bill applies the temperature requirements in the bill to one-third of state correctional institutions on May 1, 2027; another one-third on May 1, 2029, and the final one-third of state correctional institutions and the county jails on May 1, 2033 and directs DOC to determine the order in which to install heating, ventilation, or air conditioning systems in the state correctional institutions to meet those

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deadlines and report that information to the legislature. This bill provides \$200,000 to DOC in the 2023-24 fiscal year to complete the required report and \$65,000,000 in the 2024-25 fiscal year to install and operate heating, ventilation, and air conditioning in state correctional institutions as required under the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 301.03 (16m) of the statutes is created to read:

2 301.03 (**16m**) (a) Submit to the chief clerk of each house of the legislature, for
3 distribution to the appropriate standing committees under s. 13.172 (3) an annual
4 report containing state correctional institution and county jail and house of
5 correction temperature data from the following sources:

6 1. The state correctional institution temperature data recorded under s.
7 302.075 (2).

8 2. The county jail and house of correction temperature data recorded under s.
9 302.076 (2).

10 (b) The department shall furnish each sheriff or person in charge of a county
11 jail or house of correction with instructions that specify the information that is
12 required to be reported under par. (a), a simple format in which to submit the
13 information, the time it is to be forwarded, the process for submitting it, the method
14 of classifying it, and any other matters that facilitate collection and compilation. The
15 format provided under this paragraph shall, to the greatest extent feasible, minimize
16 the time required by each person to submit the required information

17 **SECTION 2.** 302.075 of the statutes is created to read:

18 **302.075 Prison climate control.** (1) The warden or superintendent shall
19 ensure that the heating, ventilation, and air conditioning in the state correctional

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1 institution are in working order and shall ensure that the temperature in each
2 housing unit of the state correctional institution is not less than 68 degrees
3 Fahrenheit and not more than 76 degrees Fahrenheit at all times.

4 (2) On any day that the outdoor temperature is below 10 degrees Fahrenheit
5 or above 90 degrees Fahrenheit, the warden or superintendent shall record the
6 temperatures in all of the following areas of the state correctional institution:

7 (a) On each level, every housing facility common area.

8 (b) In each housing unit, two random cells that are located in substantially
9 different areas of the housing unit.

10 **SECTION 3.** 302.076 of the statutes is created to read:

11 **302.076 Climate control in a county jail or house of correction.** (1) The
12 sheriff or person in charge of a county jail or house of correction shall ensure that the
13 heating, ventilation, and air conditioning in the county jail or house of correction are
14 in working order and shall ensure that the temperature in each housing unit of the
15 county jail or house of correction is not less than 68 degrees Fahrenheit and not more
16 than 76 degrees Fahrenheit at all times.

17 (2) On any day that the outdoor temperature is below 10 degrees Fahrenheit
18 or above 90 degrees Fahrenheit, the sheriff or person in charge of the county jail or
19 house of correction shall record the temperatures in all of the following areas of the
20 county jail or house of correction:

21 (a) On each level, every housing facility common area.

22 (b) In each housing unit, two random cells that are located in substantially
23 different areas of the housing unit.

24 **SECTION 4. Nonstatutory provisions.**

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1 (1) The department of corrections shall determine the order in which to install
2 heating, ventilation, or air conditioning in the state correctional institutions to meet
3 the requirements under s. 302.075 (1), as follows:

4 (a) The department of corrections shall identify one-third of the state
5 correctional institutions in which to install heating, ventilation, or air conditioning
6 by May 1, 2027.

7 (b) The department of corrections shall identify one-third of the state
8 correctional institutions in which to install heating, ventilation, or air conditioning
9 by May 1, 2029.

10 (c) The department of corrections shall identify one-third of the state
11 correctional institutions in which to install heating, ventilation, or air conditioning
12 by May 1, 2033.

13 (2) No later than the first day of the 13th month following the effective date of
14 this subsection, the department of corrections shall submit to the chief clerk of each
15 house of the legislature, for distribution to the appropriate standing committees in
16 the manner provided under s. 13.172 (3), a report describing how the department will
17 prioritize modification of the state correctional facilities as required under sub. (1)
18 to meet the temperature requirements under s. 302.075 (1) and identifying
19 strategies to meet the heating and cooling needs of inmates prior to the deadlines
20 under sub. (1), including using mobile water misters, issuing weather appropriate
21 garments, and providing ice.

SECTION 5. Fiscal changes.

22 (1) REPORT ON MODIFICATIONS TO HEATING, VENTILATION, AND AIR CONDITIONING IN
23 STATE CORRECTIONAL INSTITUTIONS. In the schedule under s. 20.005 (3) for the
24 appropriation to the department of corrections under s. 20.410 (1) (a), the dollar
25

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1 amount for fiscal year 2023-24 is increased by \$200,000 to complete the report
2 required under SECTION 4 (2) of this act.

3 (2) HEATING, VENTILATION, OR AIR CONDITIONING INSTALLATION. In the schedule
4 under s. 20.005 (3) for the appropriation to the department of corrections under s.
5 20.410 (1) (aa), the dollar amount for fiscal year 2024-25 is increased by \$65,000,000
6 to install and operate heating, ventilation, or air conditioning systems required
7 under s. 302.075 (1).

8 **SECTION 6. Initial applicability.**

9 (1) The treatment of s. 302.075 (1) first applies to the state correctional
10 institutions identified by the department of corrections under SECTION 4 (1) (a) of this
11 act on May 1, 2027.

12 (2) The treatment of s. 302.075 (1) first applies to the state correctional
13 institutions identified by the department of corrections under SECTION 4 (1) (b) of this
14 act on May 1, 2029.

15 (3) The treatment of s. 302.075 (1) first applies to the state correctional
16 institutions identified by the department of corrections under SECTION 4 (1) (c) of this
17 act on May 1, 2033.

18 **SECTION 7. Effective dates.** This act takes effect on the day after publication,
19 except as follows:

20 (1) The treatment of s. 302.076 (1) takes effect on May 1, 2033.

21 (END)