



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5032/1
MJW:skw&wlj

2023 SENATE BILL 763

December 8, 2023 - Introduced by Senators ROYS and L. JOHNSON, cosponsored by Representatives CLANCY, MADISON, CONLEY, CONSIDINE, EMERSON, HAYWOOD, JOERS, MOORE OMOKUNDE, OHNSTAD, SHELTON, STUBBS and J. ANDERSON. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to create* 302.094 of the statutes; **relating to:** in-person visiting periods
2 for inmates of state correctional institutions and county jails or houses of
3 correction.

Analysis by the Legislative Reference Bureau

This bill provides that any visitor to a state correctional institution or county jail or house of correction must be registered as a visitor of the inmate he or she is visiting and that inmates may designate up to 25 individuals to be registered as his or her visitors. The bill outlines a process that must be followed to unregister a visitor.

The bill requires the Department of Corrections to allow inmates of state correctional institutions and sheriffs to allow inmates of county jails or houses of correction at least two in-person visiting periods per week unless the inmate is subject to a lockdown or is in solitary confinement. If the inmate is subject to a lockdown or is in solitary confinement, DOC or the sheriff may deny visits for a period not to exceed 10 consecutive days.

The bill requires the warden or superintendent of a state correctional institution or the sheriff for a county jail or house of correction to allow an inmate to physically embrace each visitor for at least 20 seconds at the beginning and end of each visiting period.

The bill requires the warden or superintendent of a state correctional institution or the sheriff for a county jail or house of correction to provide visitors with paper, a pen or pencil, and crayons or markers to use during a visit and requires that

SENATE BILL 763

inmates be allowed to keep an original note, drawing, or other original work if it was created during a visit using those materials that were provided by the warden, superintendent, or sheriff.

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.** 302.094 of the statutes is created to read:

2 **302.094 In-person visiting periods for inmates of state correctional**
3 **institutions and county jails or houses of correction. (1) DEFINITIONS.** In this
4 section:

5 (a) “Visiting period” means an in-person visit between a visitor and an inmate
6 of a state correctional institution or county jail or house of correction.

7 (b) “Visitor” means any person who is visiting an inmate of a state correctional
8 institution or county jail or house of correction who is not one of the following:

9 1. An employee of or volunteer at the state correctional institution or county
10 jail or house of correction where the inmate is being held.

11 2. An attorney or counselor whose purpose is to provide legal support to the
12 inmate.

13 3. An elected official or government employee who is visiting the state
14 correctional institution or county jail or house of correction in an official capacity.

15 **(2) REGISTERING VISITORS FOR VISITATION PERIODS.** Any visitor to a state
16 correctional institution or county jail or house of correction shall be registered as a
17 visitor of the inmate he or she is visiting. Each inmate of a state correctional
18 institution or county jail or house of correction may designate 25 individuals to be
19 registered as his or her visitors. An inmate or visitor may request that the visitor

SENATE BILL 763

1 be unregistered as a visitor of that inmate at any time. The department, for a state
2 correctional institution, or the sheriff, for a county jail or house of correction, may not
3 unregister a visitor unless a reason is provided for the unregistration in writing, and
4 the unregistration shall be appealable by the inmate or visitor through a formal
5 complaint process.

6 **(3) VISITING PERIODS FOR INMATES OF STATE CORRECTIONAL INSTITUTIONS.** (a) 1.
7 Except as provided in subd. 2., the department shall ensure that each inmate of a
8 state correctional institution is allowed at least 2 visiting periods per week.

9 2. If an inmate is subject to a partial or full prison lockdown or is being held
10 in solitary confinement, the department may deny visiting periods under subd. 1. for
11 a period not to exceed 10 consecutive days.

12 (b) During a visiting period under par. (a) 1., the warden or superintendent
13 shall allow the inmate to physically embrace each visitor for a minimum of 20
14 seconds at the beginning and end of each visiting period.

15 (c) 1. During a visiting period under par. (a) 1., the warden or superintendent
16 shall, upon request, provide a visitor paper, a pen or pencil, and crayons or markers
17 for use during the visiting period.

18 2. Whenever a visitor produces an original note, drawing, or other original work
19 using materials provided under subd. 1., the inmate shall be permitted to retain that
20 original note, drawing, or other original work.

21 **(4) VISITING PERIODS FOR INMATES OF COUNTY JAILS OR HOUSES OF CORRECTION.** (a)
22 1. Except as provided in subd. 2., the sheriff shall ensure that each inmate of a county
23 jail or house of correction is allowed at least 2 visiting periods per week.

