

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: **06/22/99**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus 266-2257**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters: **mdsida**

Subject: **Correctional System - prisons**

Extra Copies: **MGG  
RNK  
MDK**

**Pre Topic:**

SDC:.....Walter - 3821

**Topic:**

Prisoner access to identifying information of others; telemarketing by prisoners.

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	olsenje 06/22/99 mdsida 06/24/99	wjackson 06/24/99		_____			
/1			ismith 06/24/99	_____	lrb_docadmin 06/24/99		
/2	mdsida 06/26/99	wjackson 06/26/99	martykr 06/27/99	_____	gretskl 06/27/99		

FE Sent For:

<END>

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/?	olsenje 06/22/99 mdsida 06/24/99	wjackson 06/24/99 <i>1/2 6/26 WLj</i>		_____			
/1			ismith 06/24/99 <i>km 6/26</i>	_____	lrb_docadmin 06/24/99 <i>ASH 6/27</i>		

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1?	olsenje	1 Wlj 6/24	IS 6/24	IS/CH 6/24			

FE Sent For:

<END>

yes

**Agency: Correction**

JED/MGD

caucus number 3821

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft # 2061/2	LRB P-draft:

description: LRB 2061/2 re: contract authority of Corrections, prisoner access to personal info of person's who are not prisoners, requiring prisoners conducting phone solicitations or answering toll free numbers to identify themselves as prisoners & providing penalty

**other notes**

drafting instructions: Include LRB 2061/2.

more instructions:

Agency: **Correction**

Number of Amendments: 1

cc: MGG  
RNK  
MDK

+

CN 3821

### **Corrections – Adult Facilities**

Relating to contracting authority of the department of corrections, prisoner access to personal information of person's who are not prisoners, requiring prisoners conducting telephone solicitations or answering toll free telephone numbers to identify themselves as prisoners and providing a penalty

Would replace Item #26 LFB Summary Items for which no issue paper has been prepared

*PRO Revenues decrease by \$355,000, PRO expenditures decrease by \$336,400, GPR increase \$11,800 to cover inmate involuntary unassignment.*

**1999 BILL**

1 **AN ACT to renumber and amend** 196.208 (11) (d); **to amend** 134.95 (2) and  
2 196.208 (10) (a); and **to create** 134.73, 196.208 (5p), 196.208 (11) (d) 2. and  
3 302.091 of the statutes; **relating to:** contract authority of the department of  
4 corrections, prisoner access to personal information of persons who are not  
5 prisoners, requiring prisoners conducting telephone solicitations or answering  
6 toll-free telephone numbers to identify themselves as prisoners and providing  
7 a penalty.

---

***Analysis by the Legislative Reference Bureau***

This bill provides that the department of corrections may not enter into any contract or other agreement if, in the performance of the contract or agreement, a prisoner would perform data entry or telemarketing services and would have access to any personal identifying information of a person who is not a prisoner. Under the bill, personal identifying information includes such things as an individual's name, address, telephone number, driver's license number and social security number and the numbers of certain types of bank accounts.

This bill also creates disclosure requirements for prisoners who make telephone solicitations or answer toll-free telephone numbers. Specifically, the bill does the following:

1. Requires a prisoner who is making a telephone solicitation to do all of the following immediately after a person answers the telephone: a) state his or her

**BILL**

name; b) state that he or she is a prisoner; and c) inform the person answering the call of the name and location of the correctional facility in which he or she is a prisoner. These requirements apply to solicitations to sell goods or services, to solicit charitable contributions or to conduct opinion polls or surveys. In addition, the requirements apply to prisoners located in a facility outside of this state if they make telephone solicitations to persons in this state.

2. Requires a prisoner who is answering a toll-free telephone number to do all of the following immediately after answering a call to the number: a) state his or her name; b) state that he or she is a prisoner; and c) inform the caller of the name and location of the correctional facility in which he or she is a prisoner. These requirements apply to toll-free numbers used to sell goods or services or to solicit charitable contributions. In addition, the requirements apply to prisoners located in a facility outside of this state if the prisoner is answering toll-free calls made by persons in this state.

A prisoner who violates the bill's disclosure requirements is subject to a forfeiture (a civil monetary penalty) of not more than \$500, while an employer of a prisoner who is a party to a prisoner's violation of the requirements is subject to a forfeiture of not more than \$10,000. An employer may be a party to a prisoner's violation of the requirements by aiding and abetting the violation, conspiring with a prisoner to commit the violation or by advising, hiring, counseling or otherwise procuring a prisoner to violate the requirements.

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

2           **134.73 Identification of prisoner making telephone solicitation. (1)**

3           **DEFINITIONS.** In this section:

4           (a) "Contribution" has the meaning given in s. 440.41 (5).

5           (b) "Prisoner" means a prisoner of any public or private correctional or  
6           detention facility that is located within or outside this state.

7           (c) "Solicit" has the meaning given in s. 440.41 (8).

8           (d) "Telephone solicitation" means the unsolicited initiation of a telephone  
9           conversation for any of the following purposes:

10           1. To encourage a person to purchase property, goods or services.



**BILL**

1           2. To solicit a contribution from a person.

2           3. To conduct an opinion poll or survey.

3           **(2) REQUIREMENTS.** A prisoner who makes a telephone solicitation shall do all  
4 of the following immediately after the person called answers the telephone:

5           (a) Identify himself or herself by name.

6           (b) State that he or she is a prisoner.

7           (c) Inform the person called of the name of the correctional or detention facility  
8 in which he or she is a prisoner and the city and state in which the facility is located.

9           **(3) TERRITORIAL APPLICATION.** (a) *Intrastate.* This section applies to any  
10 intrastate telephone solicitation.

11           (b) *Interstate.* This section applies to any interstate telephone solicitation  
12 received by a person in this state.

13           **(4) PENALTIES.** (a) A prisoner who violates this section may be required to forfeit  
14 not more than \$500.

15           (b) If a person who employs a prisoner to engage in telephone solicitation is  
16 concerned in the commission of a violation of this section as provided under s. 134.99,  
17 the person may be required to forfeit not more than \$10,000.

18           **SECTION 2.** 134.95 (2) of the statutes is amended to read:

19           134.95 (2) **SUPPLEMENTAL FORFEITURE.** If a fine or a forfeiture is imposed on a  
20 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,  
21 134.72, 134.73 or 134.87 or ch. 136 or a rule promulgated under these sections or that  
22 chapter, the person shall be subject to a supplemental forfeiture not to exceed  
23 \$10,000 for that violation if the conduct by the defendant, for which the fine or  
24 forfeiture was imposed, was perpetrated against an elderly person or disabled person  
25 and if any of the factors under s. 100.264 (2) (a), (b) or (c) is present.

**BILL**

1           **SECTION 3.** 196.208 (5p) of the statutes is created to read:

2           196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this subsection:

3           1. "Charitable organization" has the meaning given in s. 440.41 (1).

4           2. "Prisoner" has the meaning given in s. 134.73 (1) (b).

5           (b) If a prisoner is employed directly or indirectly by a charitable organization  
6 or toll-free service vendor to answer calls made to the charitable organization or  
7 toll-free service vendor, the prisoner shall do all of the following immediately upon  
8 answering a call:

9           1. Identify himself or herself by name.

10          2. State that he or she is a prisoner.

11          3. Inform the calling party of the name of the correctional or detention facility  
12 in which he or she is a prisoner and the city and state in which the facility is located.

13          (c) A charitable organization or toll-free service vendor that directly or  
14 indirectly employs a prisoner shall provide reasonable supervision of the prisoner to  
15 assure the prisoner's compliance with par. (b).

16          **SECTION 4.** 196.208 (10) (a) of the statutes is amended to read:

17          196.208 (10) (a) Subsections (2) to (5) apply to any pay-per-call service that  
18 a caller may access by a call originating in this state and ~~sub. subs. (5p) and (5t)~~  
19 ~~applies~~ apply to any charitable organization, toll-free service vendor or employe of  
20 a charitable organization or toll-free service vendor that a caller may access by a call  
21 originating in this state.

22          **SECTION 5.** 196.208 (11) (d) of the statutes is renumbered 196.208 (11) (d) 1. and  
23 amended to read:

**BILL**

1           196.208 (11) (d) 1. Any Except as provided in subd. 2., any person who violates  
2           subs. (2) to (9) shall be required to forfeit not less than \$25 nor more than \$5,000 for  
3           each offense.

4           3. Forfeitures under this paragraph subs. 1. and 2. shall be enforced by action  
5           on behalf of the state by the department of justice or, upon informing the department  
6           of justice, by the district attorney of the county where the violation occurs.

7           **SECTION 6.** 196.208 (11) (d) 2. of the statutes is created to read:

8           196.208 (11) (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to  
9           forfeit not more than \$500.

10          b. A person who employs a prisoner to answer calls made to a toll-free  
11          telephone number may be required to forfeit not more than \$10,000 if the person  
12          violates sub. (5p) (c), aids and abets a prisoner's violation of sub. (5p) (b), is a party  
13          to a conspiracy with a prisoner to commit a violation of sub. (5p) (b) or advises, hires  
14          or counsels or otherwise procures a prisoner to commit a violation of sub. (5p) (b).

15          **SECTION 7.** 302.091 of the statutes is created to read:

16          **302.091 Contracts requiring prisoners to perform data entry or**  
17          **telemarketing services.** The department may not enter into any contract or other  
18          agreement if, in the performance of the contract or agreement, a prisoner would  
19          perform data entry or telemarketing services and have access to any personal  
20          identifying information, as defined in s. 943.201 (1) (b), of an individual who is not  
21          a prisoner.

22          **SECTION 8. Initial applicability.**



**BILL**

1           (1) CONTRACTS FOR DATA ENTRY OR TELEMARKETING SERVICES. The treatment of  
2 section 302.091 of the statutes first applies to contracts entered into or renewed by  
3 the department of corrections on the effective date of this subsection.

4

(END)

1999 Session

LRB or Bill No./Adm. Rule No.  
SB 178 LRB-2061/2

Amendment No. if Applicable

**FISCAL ESTIMATE**

DOA-2048 N(R10/98)

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

**Subject:**

Pertaining to contract authority of the department of corrections, prisoner access to personal information of persons who are not prisoners, requiring prisoners conducting telephone solicitations or answering toll-free telephone numbers to identify themselves as prisoners and providing a penalty.

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

Decrease Costs

Local:  No local government costs

1.  Increase Costs  
     Permissive       Mandatory  
2.  Decrease Costs  
     Permissive       Mandatory

3.  Increase Revenues  
     Permissive       Mandatory  
4.  Decrease Revenues  
     Permissive       Mandatory

5. Types of Local Governmental Units Affected:

Towns       Villages       Cities  
 Counties       Others \_\_\_\_\_  
 School Districts       WTCS Districts

**Fund Sources Affected**

XGPR  FED XPRO  PRS  SEG  SEG-S

**Affected Ch. 20 Appropriations**

20.410(1)(a),(b), and (km)

**Assumptions Used in Arriving at Fiscal Estimate**

This bill does not allow the Department of Corrections (DOC) to enter into a contract or agreement if a prisoner would have access to "personal information" of an individual and creates disclosure requirements for prisoners who make telephone solicitations or answer toll-free telephone numbers.

Currently, DOC is under contract with one data entry operation at the Racine Correctional Institution and one data entry operation at the Robert E. Ellsworth Correctional Center (REEC). Eighty percent of the work at these sites results in inmate access to information that is defined as personal by SB 178. The remaining twenty per cent would not be sufficient work to make these operations viable. Thus these data entry operations will need to be closed and an average of 71 inmates will become idle. There is also a tele-marketing operation at REEC that does work for the Leukemia Society and employs 4 inmates that would close due to the information restriction.

If these operations were closed projected FY 00 PRO revenues would decrease by \$355,000. PRO expenditures would be reduced by \$336,400 through the elimination of 5.00 FTE, 3 LTEs, supplies and services, and inmate wages. In addition, GPR costs would increase by \$11,800 annually to cover costs for inmate wages who are involuntarily unassigned.

**Long-Range Fiscal Implications**

Agency/Prepared by: (Name & Phone No.)  
Colleen Godfriaux (608) 266-0300  
Department of Corrections

Authorized Signature/Telephone No.  
*Robert Margolies*  
Robert Margolies (608) 266-2931

Date  
6/9/99

**FISCAL ESTIMATE WORKSHEET**

1999 Session

Detailed Estimate of Annual Fiscal Effect  
DOA-2047 (R10/98)

ORIGINAL     UPDATED  
 CORRECTED     SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
SB 178 LRB 2061/2

Amendment No.

**Subject**

Pertaining to contract authority of the department of corrections, prisoner access to personal information of persons who are not prisoners, requiring prisoners conducting telephone solicitations or answering toll-free telephone numbers to identify themselves as prisoners and providing a penalty.

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on State funds from:</b>	
		<b>Increased Costs</b>	<b>Decreased Costs</b>
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes		\$	\$ -153,400
(FTE Position Changes)		( FTE)	(-5.00 FTE)
State Operations - (Inmate Wages, LTE Salary, S&S)		11,800	-183,000
Local Assistance			-
Aids to Individuals or Organizations			-
<b>TOTAL State Costs by Category</b>		<b>\$ 11,800</b>	<b>\$ -336,400</b>
<b>B. State Costs by Source of Funds</b>			
GPR		\$ 11,800	\$ -
FED			-
PRO/PRS			-336,400
SEG/SEG-S			-
<b>State Revenues</b> Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		<b>Increased Rev.</b>	<b>Decreased Rev.</b>
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-355,000
SEG/SEG-S			-
<b>TOTAL State Revenues</b>		<b>\$</b>	<b>\$ -355,000</b>

**NET ANNUALIZED FISCAL IMPACT**  
STATE LOCAL

NET CHANGE IN COSTS                    \$ -324,600                    \$ \_\_\_\_\_  
NET CHANGE IN REVENUES                \$ -355,000                    \$ \_\_\_\_\_

Agency/Prepared by: (Name & Phone No.) Colleen Godfriaux (608) 266-0300 Department of Corrections	Authorized Signature/Telephone No. <i>Robert Margolies</i> Robert Margolies, (608) 266-2931	Date 6/9/99
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1999

Date (time) needed \_\_\_\_\_

LRB b 0840, 7/27/99

CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]

MGD : WJ : \_\_\_\_\_

See form AMENDMENTS — COMPONENTS & ITEMS.

CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 1999 ASSEMBLY BILL 133

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page . . . . ., line . . . . .:

#. Page . . . . ., line . . . . .:

#. Page . . . . ., line . . . . .:

#. Page . . . . ., line . . . . .:

#. Page . . . . ., line . . . . .:

#. Page . . . . ., line . . . . .:





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2061/2

JEOcmh:km

**1999 SENATE BILL 178**

May 27, 1999 - Introduced by Senators ERPENBACH, PLACHE, DECKER, MOEN, BRESKE, CLAUSING, BAUMGART and ROBSON, cosponsored by Representatives SCHNEIDER, BOCK, PLALE, PLOUFF, BLACK, SCHOOFF, LASSA, ZIEGELBAUER, HAHN, MUSSER, BERCEAU, HASENOHRL, WASSERMAN, NASS and RYBA. Referred to Committee on Insurance, Tourism, Transportation and Corrections.

1     **AN ACT to renumber and amend** 196.208 (11) (d); **to amend** 134.95 (2) and  
2           196.208 (10) (a); and **to create** 134.73, 196.208 (5p), 196.208 (11) (d) 2. and  
3           302.091 of the statutes; **relating to:** contract authority of the department of  
4           corrections, prisoner access to personal information of persons who are not  
5           prisoners, requiring prisoners conducting telephone solicitations or answering  
6           toll-free telephone numbers to identify themselves as prisoners and providing  
7           a penalty.

***Analysis by the Legislative Reference Bureau***

This bill provides that the department of corrections may not enter into any contract or other agreement if, in the performance of the contract or agreement, a prisoner would perform data entry or telemarketing services and would have access to any personal identifying information of a person who is not a prisoner. Under the bill, personal identifying information includes such things as an individual's name, address, telephone number, driver's license number and social security number and the numbers of certain types of bank accounts.

This bill also creates disclosure requirements for prisoners who make telephone solicitations or answer toll-free telephone numbers. Specifically, the bill does the following:

1. Requires a prisoner who is making a telephone solicitation to do all of the following immediately after a person answers the telephone: a) state his or her

**SENATE BILL 178**

*Insert 2-0*

name; b) state that he or she is a prisoner; and c) inform the person answering the call of the name and location of the correctional facility in which he or she is a prisoner. These requirements apply to solicitations to sell goods or services, to solicit charitable contributions or to conduct opinion polls or surveys. In addition, the requirements apply to prisoners located in a facility outside of this state if they make telephone solicitations to persons in this state.

2. Requires a prisoner who is answering a toll-free telephone number to do all of the following immediately after answering a call to the number: a) state his or her name; b) state that he or she is a prisoner; and c) inform the caller of the name and location of the correctional facility in which he or she is a prisoner. These requirements apply to toll-free numbers used to sell goods or services or to solicit charitable contributions. In addition, the requirements apply to prisoners located in a facility outside of this state if the prisoner is answering toll-free calls made by persons in this state.

A prisoner who violates the bill's disclosure requirements is subject to a forfeiture (a civil monetary penalty) of not more than \$500, while an employer of a prisoner who is a party to a prisoner's violation of the requirements is subject to a forfeiture of not more than \$10,000. An employer may be a party to a prisoner's violation of the requirements by aiding and abetting the violation, conspiring with a prisoner to commit the violation or by advising, hiring, counseling or otherwise procuring a prisoner to violate the requirements.

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

**INSERT 2-0**

#1 Page 1139, line 11, after that line insert:

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

*21671-2*

- 1 "SECTION 1. 134.73 of the statutes is created to read:
- 2 **134.73 Identification of prisoner making telephone solicitation. (1)**
- 3 **DEFINITIONS.** In this section:
- 4 (a) "Contribution" has the meaning given in s. 440.41 (5).
- 5 (b) "Prisoner" means a prisoner of any public or private correctional or
- 6 detention facility that is located within or outside this state.
- 7 (c) "Solicit" has the meaning given in s. 440.41 (8).
- 8 (d) "Telephone solicitation" means the unsolicited initiation of a telephone
- 9 conversation for any of the following purposes:
- 10 1. To encourage a person to purchase property, goods or services.

SENATE BILL 178

1           2. To solicit a contribution from a person.

2           3. To conduct an opinion poll or survey.

3           (2) REQUIREMENTS. A prisoner who makes a telephone solicitation shall do all  
4 of the following immediately after the person called answers the telephone:

5           (a) Identify himself or herself by name.

6           (b) State that he or she is a prisoner.

7           (c) Inform the person called of the name of the correctional or detention facility  
8 in which he or she is a prisoner and the city and state in which the facility is located.

9           (3) TERRITORIAL APPLICATION. (a) *Intrastate*. This section applies to any  
10 intrastate telephone solicitation.

11           (b) *Interstate*. This section applies to any interstate telephone solicitation  
12 received by a person in this state.

13           (4) PENALTIES. (a) A prisoner who violates this section may be required to forfeit  
14 not more than \$500.

15           (b) If a person who employs a prisoner to engage in telephone solicitation is  
16 concerned in the commission of a violation of this section as provided under s. 134.99,  
17 the person may be required to forfeit not more than \$10,000. ~~134.99~~

18           SECTION 2. 134.95 (2) of the statutes is amended to read:

19           134.95 (2) SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a  
20 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,  
21 134.72, 134.73 or 134.87 or ch. 136 or a rule promulgated under these sections or that  
22 chapter, the person shall be subject to a supplemental forfeiture not to exceed  
23 \$10,000 for that violation if the conduct by the defendant, for which the fine or  
24 forfeiture was imposed, was perpetrated against an elderly person or disabled person  
25 and if any of the factors under s. 100.264 (2) (a), (b) or (c) is present. " .

**SENATE BILL 178**

~~#~~ Page 1179, line 21 - after that line insert:

① SECTION 9. 196.208 (5p) of the statutes is created to read:

2 196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this subsection:

3 1. "Charitable organization" has the meaning given in s. 440.41 (1).

4 2. "Prisoner" has the meaning given in s. 134.73 (1) (b).

5 (b) If a prisoner is employed directly or indirectly by a charitable organization  
6 or toll-free service vendor to answer calls made to the charitable organization or  
7 toll-free service vendor, the prisoner shall do all of the following immediately upon  
8 answering a call:

9 1. Identify himself or herself by name.

10 2. State that he or she is a prisoner.

11 3. Inform the calling party of the name of the correctional or detention facility  
12 in which he or she is a prisoner and the city and state in which the facility is located.

13 (c) A charitable organization or toll-free service vendor that directly or  
14 indirectly employs a prisoner shall provide reasonable supervision of the prisoner to  
15 assure the prisoner's compliance with par. (b).

16 SECTION 9. 196.208 (10) (a) of the statutes is amended to read:

17 196.208 (10) (a) Subsections (2) to (5) apply to any pay-per-call service that  
18 a caller may access by a call originating in this state and ~~sub.~~ subs. (5p) and (5t)  
19 applies apply to any charitable organization, toll-free service vendor or employe of  
20 a charitable organization or toll-free service vendor that a caller may access by a call  
21 originating in this state.

22 SECTION 6. 196.208 (11) (d) of the statutes is renumbered 196.208 (11) (d) 1. and  
23 amended to read:

## SENATE BILL 178

1           196.208 (11) (d) 1. ~~Any~~ Except as provided in subd. 2., any person who violates  
2           subs. (2) to (9) shall be required to forfeit not less than \$25 nor more than \$5,000 for  
3           each offense.

4           3. Forfeitures under ~~this paragraph~~ subds. 1. and 2. shall be enforced by action  
5           on behalf of the state by the department of justice or, upon informing the department  
6           of justice, by the district attorney of the county where the violation occurs.

7           <sup>(2313y)</sup> SECTION ~~3.~~ 196.208 (11) (d) 2. of the statutes is created to read:

8           196.208 (11) (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to  
9           forfeit not more than \$500.

10          b. A person who employs a prisoner to answer calls made to a toll-free  
11          telephone number may be required to forfeit not more than \$10,000 if the person  
12          violates sub. (5p) (c), aids and abets a prisoner's violation of sub. (5p) (b), is a party  
13          to a conspiracy with a prisoner to commit a violation of sub. (5p) (b) or advises, hires  
14          or counsels or otherwise procures a prisoner to commit a violation of sub. (5p) (b). "

15          ~~SECTION 7. 302.091 of the statutes is created to read.~~

16          **302.091 Contracts requiring prisoners to perform data entry or**  
17          **telemarketing services.** The department may not enter into any contract or other  
18          agreement if, in the performance of the contract or agreement, a prisoner would  
19          perform data entry or telemarketing services and have access to any personal  
20          identifying information, as defined in s. 943.201 (1) (b), of an individual who is not  
21          a prisoner.

22          ~~SECTION 8. Initial applicability.~~

Insert 5-14

**SENATE BILL 178**

1  
2  
3  
4

(1) ~~CONTRACTS FOR DATA ENTRY OR TELEMARKETING SERVICES.~~ The treatment of section 302.091 of the statutes first applies to contracts entered into or renewed by the department of corrections on the effective date of this subsection.

(END)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0840/lins  
MGD:.....

1           **INSERT 2-0**

2           **1.** Page 185, line 3: increase the dollar amount for fiscal year 1999-00 by  
3 \$11,800 and increase the dollar amount for fiscal year 2000-01 by \$11,800 for the  
4 purpose of wages for inmates who are involuntarily unassigned.

5           **2.** Page 187, line 14: decrease the dollar amount for fiscal year 1999-00 by  
6 \$336,400 and decrease the dollar amount for fiscal year 2000-01 by \$336,400 for the  
7 purpose of eliminating data entry contracts.

8

9           **INSERT 5-14**

10           **3.** Page 1314, line 22: after "social security number" insert "or any personal  
11 identifying information, as defined in s. 943.201 (1) (b)<sup>✓</sup>, of any individual who is not  
12 a prisoner".

P/C from Jere Bauer

Q: Reduce FTE by 5.0 ?  
P/C to Landa Walker

~~Reduce~~ A: Yes





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb08400  
MGD:wlj:ijs

RMR

SDC:.....Walter - 3821 Prisoner access to identifying information of others;  
telemarketing by prisoners.

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 185, line 3: increase the dollar amount for fiscal year 1999-00 by  
3 \$11,800 and increase the dollar amount for fiscal year 2000-01 by \$11,800 for the  
4 purpose of wages for inmates who are involuntarily unassigned.

5 2. Page 187, line 14: decrease the dollar amount for fiscal year 1999-00 by  
6 \$336,400 and decrease the dollar amount for fiscal year 2000-01 by \$336,400 for the  
7 purpose of eliminating data entry contracts

8 3. Page 1139, line 11: after that line insert: FTE positions for the department  
of corrections by 5.0 PR

9 "SECTION 2167x. 134.73 of the statutes is created to read: positions for  
data entry  
and telemarketing  
contract programs.

**134.73 Identification of prisoner making telephone solicitation. (1)**

DEFINITIONS. In this section:

(a) “Contribution” has the meaning given in s. 440.41 (5).

(b) “Prisoner” means a prisoner of any public or private correctional or detention facility that is located within or outside this state.

(c) “Solicit” has the meaning given in s. 440.41 (8).

(d) “Telephone solicitation” means the unsolicited initiation of a telephone conversation for any of the following purposes:

1. To encourage a person to purchase property, goods or services.

2. To solicit a contribution from a person.

3. To conduct an opinion poll or survey.

**(2) REQUIREMENTS.** A prisoner who makes a telephone solicitation shall do all of the following immediately after the person called answers the telephone:

(a) Identify himself or herself by name.

(b) State that he or she is a prisoner.

(c) Inform the person called of the name of the correctional or detention facility in which he or she is a prisoner and the city and state in which the facility is located.

**(3) TERRITORIAL APPLICATION.** (a) *Intrastate.* This section applies to any intrastate telephone solicitation.

(b) *Interstate.* This section applies to any interstate telephone solicitation received by a person in this state.

**(4) PENALTIES.** (a) A prisoner who violates this section may be required to forfeit not more than \$500.

1 (b) If a person who employes a prisoner to engage in telephone solicitation is  
2 concerned in the commission of a violation of this section as provided under s. 134.99,  
3 the person may be required to forfeit not more than \$10,000.

4 **SECTION 2167z.** 134.95 (2) of the statutes is amended to read:

5 134.95 (2) SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a  
6 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,  
7 134.72, 134.73 or 134.87 or ch. 136 or a rule promulgated under these sections or that  
8 chapter, the person shall be subject to a supplemental forfeiture not to exceed  
9 \$10,000 for that violation if the conduct by the defendant, for which the fine or  
10 forfeiture was imposed, was perpetrated against an elderly person or disabled person  
11 and if any of the factors under s. 100.264 (2) (a), (b) or (c) is present.”.

12 **4.** Page 1179, line 21: after that line insert:

13 **“SECTION 2313m.** 196.208 (5p) of the statutes is created to read:

14 196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this subsection:

- 15 1. “Charitable organization” has the meaning given in s. 440.41 (1).  
16 2. “Prisoner” has the meaning given in s. 134.73 (1) (b).

17 (b) If a prisoner is employed directly or indirectly by a charitable organization  
18 or toll-free service vendor to answer calls made to the charitable organization or  
19 toll-free service vendor, the prisoner shall do all of the following immediately upon  
20 answering a call:

- 21 1. Identify himself or herself by name.  
22 2. State that he or she is a prisoner.  
23 3. Inform the calling party of the name of the correctional or detention facility  
24 in which he or she is a prisoner and the city and state in which the facility is located.

1 (c) A charitable organization or toll-free service vendor that directly or  
2 indirectly employs a prisoner shall provide reasonable supervision of the prisoner to  
3 assure the prisoner's compliance with par. (b).

4 **SECTION 2313r.** 196.208 (10) (a) of the statutes is amended to read:

5 196.208 (10) (a) Subsections (2) to (5) apply to any pay-per-call service that  
6 a caller may access by a call originating in this state and ~~sub. (5p) and (5t)~~  
7 ~~applies apply~~ to any charitable organization, toll-free service vendor or employe of  
8 a charitable organization or toll-free service vendor that a caller may access by a call  
9 originating in this state.

10 **SECTION 2313u.** 196.208 (11) (d) of the statutes is renumbered 196.208 (11) (d)

11 1. and amended to read:

12 196.208 (11) (d) 1. Any Except as provided in subd. 2., any person who violates  
13 subs. (2) to (9) shall be required to forfeit not less than \$25 nor more than \$5,000 for  
14 each offense.

15 3. Forfeitures under this paragraph subs. 1. and 2. shall be enforced by action  
16 on behalf of the state by the department of justice or, upon informing the department  
17 of justice, by the district attorney of the county where the violation occurs.

18 **SECTION 2313y.** 196.208 (11) (d) 2. of the statutes is created to read:

19 196.208 (11) (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to  
20 forfeit not more than \$500.

21 b. A person who employs a prisoner to answer calls made to a toll-free  
22 telephone number may be required to forfeit not more than \$10,000 if the person  
23 violates sub. (5p) (c), aids and abets a prisoner's violation of sub. (5p) (b), is a party  
24 to a conspiracy with a prisoner to commit a violation of sub. (5p) (b) or advises, hires  
25 or counsels or otherwise procures a prisoner to commit a violation of sub. (5p) (b).”.





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0840/2  
MGD:wlj:km

SDC:.....Walter - 3821 Prisoner access to identifying information of others;  
telemarketing by prisoners.

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION  
CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 185, line 3: increase the dollar amount for fiscal year 1999-00 by  
3 \$11,800 and increase the dollar amount for fiscal year 2000-01 by \$11,800 for the  
4 purpose of wages for inmates who are involuntarily unassigned.

5 **2.** Page 187, line 14: decrease the dollar amount for fiscal year 1999-00 by  
6 \$336,400 and decrease the dollar amount for fiscal year 2000-01 by \$336,400 for the  
7 purpose of eliminating data entry contracts and to decrease the authorized FTE  
8 positions for the department of corrections by 5.0 PR positions for data entry and  
9 telemarketing contract programs.

10 **3.** Page 1139, line 11: after that line insert:

1           “SECTION 2167x. 134.73 of the statutes is created to read:

2           **134.73 Identification of prisoner making telephone solicitation. (1)**

3           DEFINITIONS. In this section:

4           (a) “Contribution” has the meaning given in s. 440.41 (5).

5           (b) “Prisoner” means a prisoner of any public or private correctional or  
6           detention facility that is located within or outside this state.

7           (c) “Solicit” has the meaning given in s. 440.41 (8).

8           (d) “Telephone solicitation” means the unsolicited initiation of a telephone  
9           conversation for any of the following purposes:

10           1. To encourage a person to purchase property, goods or services.

11           2. To solicit a contribution from a person.

12           3. To conduct an opinion poll or survey.

13           **(2) REQUIREMENTS.** A prisoner who makes a telephone solicitation shall do all  
14           of the following immediately after the person called answers the telephone:

15           (a) Identify himself or herself by name.

16           (b) State that he or she is a prisoner.

17           (c) Inform the person called of the name of the correctional or detention facility  
18           in which he or she is a prisoner and the city and state in which the facility is located.

19           **(3) TERRITORIAL APPLICATION.** (a) *Intrastate.* This section applies to any  
20           intrastate telephone solicitation.

21           (b) *Interstate.* This section applies to any interstate telephone solicitation  
22           received by a person in this state.

23           **(4) PENALTIES.** (a) A prisoner who violates this section may be required to forfeit  
24           not more than \$500.

1 (b) If a person who employs a prisoner to engage in telephone solicitation is  
2 concerned in the commission of a violation of this section as provided under s. 134.99,  
3 the person may be required to forfeit not more than \$10,000.

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7 134.72, 134.73 or 134.87 or ch. 136 or a rule promulgated under these sections or that  
8 chapter, the person shall be subject to a supplemental forfeiture not to exceed  
9 \$10,000 for that violation if the conduct by the defendant, for which the fine or  
10 forfeiture was imposed, was perpetrated against an elderly person or disabled person  
11 and if any of the factors under s. 100.264 (2) (a), (b) or (c) is present.”

12 **4.** Page 1179, line 21: after that line insert:

13 **“SECTION 2313m.** 196.208 (5p) of the statutes is created to read:

14 196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this subsection:

- 15 1. “Charitable organization” has the meaning given in s. 440.41 (1).  
16 2. “Prisoner” has the meaning given in s. 134.73 (1) (b).

17 (b) If a prisoner is employed directly or indirectly by a charitable organization  
18 or toll-free service vendor to answer calls made to the charitable organization or  
19 toll-free service vendor, the prisoner shall do all of the following immediately upon  
20 answering a call:

- 21 1. Identify himself or herself by name.  
22 2. State that he or she is a prisoner.  
23 3. Inform the calling party of the name of the correctional or detention facility  
24 in which he or she is a prisoner and the city and state in which the facility is located.



1 (c) A charitable organization or toll-free service vendor that directly or  
2 indirectly employs a prisoner shall provide reasonable supervision of the prisoner to  
3 assure the prisoner's compliance with par. (b).

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6 a caller may access by a call originating in this state and ~~sub. (5p) and (5t)~~  
7 ~~applies apply to any charitable organization, toll-free service vendor or employe of~~  
8 ~~a charitable organization or toll-free service vendor~~ that a caller may access by a call  
9 originating in this state.

10 **SECTION 2313u.** 196.208 (11) (d) of the statutes is renumbered 196.208 (11) (d)

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23 violates sub. (5p) (c), aids and abets a prisoner's violation of sub. (5p) (b), is a party  
24 to a conspiracy with a prisoner to commit a violation of sub. (5p) (b) or advises, hires  
25 or counsels or otherwise procures a prisoner to commit a violation of sub. (5p) (b).”.

