

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **09/13/1999**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bauer (DS)**

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

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Correctional System - prisons
Correctional System - jails**

Extra Copies: **JEO**

Pre Topic:

LFB:.....Bauer (DS) - Legislative

Topic:

Inmate telephone solicitation and access to personal information

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>
/?	mdsida 09/22/1999	wjackson 09/22/1999		_____			
/1			mclark 09/22/1999	_____	lrb_docadmin 09/22/1999		
/2	mdsida 09/27/1999	wjackson 09/27/1999	martykr 09/27/1999	_____	lrb_docadmin 09/27/1999		
/3	mdsida 09/29/1999	wjackson 09/29/1999	martykr 09/29/1999	_____	lrb_docadmin 09/29/1999		

FE Sent For:

<END>

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13 9/28 WLj
 km 9/29
 EJA 9/29
 km 29

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/?	mdsida 09/22/1999	wjackson 09/22/1999		_____			
/1		12 9/27 WLJ	mclark 09/22/1999	_____	lrb_docadmin 09/22/1999		
FE Sent For: <i>km 9/27</i> <i>kb</i> <i>km 9/27</i> <END>							

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/?	mdsida	1 WLj 9/22	9/22 mrc	MRC/KM 9/22			

FE Sent For:

<END>

Plc from Jerry Bauer

Senate position on # 8... But

1) ~~but~~ delete 1st 2 sentences

2) delete last sentence of b.

3) delete last ¶



State of Wisconsin
1999 - 2000 LEGISLATURE

5/17/99/1
LRBb0840/2
MGR:wlj:km
MGD:Wlj

D-Note

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

By 5:00
9/23
Dax

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 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” ^{means a prisoner of any correctional or detention facility} ~~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. subs. (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. *tu*

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)."

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1744/1dn
MGD:.....

September 22, 1999

Jere:

In view of our discussion, a person who violates s. 196.208 (5p) is subject to the penalties in 196.208 (11) (d). If you learn that the conferees want no penalty whatsoever to apply to violations of the former section, please let me know.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1744/1dn
MGD:wlj:mrc

September 22, 1999

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Michael Dsida
Legislative Attorney
Phone: (608) 266-9867



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1744(1)
MGD:wlj:mrc

RMR

TODAY

LEB

Legislative Fiscal Bureau:..... Bau Inmate telephone solicitation and access to personal information

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY 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 1139, line 11: after that line insert:

3 **"SECTION 2167x.** 134.73 of the statutes is created to read:

4 **134.73 Identification of prisoner making telephone solicitation. (1)**

5 DEFINITIONS. In this section:

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

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

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

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

- 3 1. To encourage a person to purchase property, goods or services.
- 4 2. To solicit a contribution from a person.
- 5 3. To conduct an opinion poll or survey.

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

- 8 (a) Identify himself or herself by name.
- 9 (b) State that he or she is a prisoner.

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

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

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

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

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

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

22 134.95 (2) SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a
23 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,
24 134.72, 134.73 or 134.87 or ch. 136 or a rule promulgated under these sections or that
25 chapter, the person shall be subject to a supplemental forfeiture not to exceed

1 \$10,000 for that violation if the conduct by the defendant, for which the fine or
2 forfeiture was imposed, was perpetrated against an elderly person or disabled person
3 and if any of the factors under s. 100.264 (2) (a), (b) or (c) is present.”.

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

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

6 196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this subsection:

7 1. “Charitable organization” has the meaning given in s. 440.41 (1).

8 2. “Prisoner” means a prisoner of any correctional or detention facility.

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

13 1. Identify himself or herself by name.

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

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

17 (c) A charitable organization or toll-free service vendor that directly or
18 indirectly employs a prisoner shall provide reasonable supervision of the prisoner to
19 assure the prisoner’s compliance with par. (b).
20

21 **3.** Page 1314, line 22: after “social security number” insert “or any personal
22 identifying information, as defined in s. 943.201 (1) (b), of an individual who is not
23 a prisoner”.

(END)

19
Insert
3(19)

INSERT 3/19

FROM →

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. subs. (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 subsds. 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:

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20 forfeit not more than \$500.

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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).".

9/28

P/c from Deb re out-of-state prisoners

~~She will~~
She will talk to Burnett

9/29

P/c from Jerry

Need to make it explicit re not apply to
out-of-state



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb17442
MGD:wj:km

KMR

LFB:.....Bauer (DS) - Legislative Inmate telephone solicitation and access to personal information

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY 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 1139, line 11: after that line insert:

3 **"SECTION 2167x.** 134.73 of the statutes is created to read:

4 **134.73 Identification of prisoner making telephone solicitation. (1)**

5 DEFINITIONS. In this section:

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

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1744/3
MGD:wj:km

LFB:.....Bauer (DS) – Legislative Inmate telephone solicitation and access to personal information

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

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24 134.72, 134.73 or 134.87 or ch. 136 or a rule promulgated under these sections or that
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