

**ASSEMBLY AMENDMENT 66,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

June 29, 2001 – Offered by Representative POCAN.

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

2 **1.** Page 197, line 15: decrease the dollar amount for fiscal year 2001–02 by
3 \$172,900 and decrease the dollar amount for fiscal year 2002–03 by \$230,500 to
4 decrease the authorized FTE positions for the department of corrections by 4.0 PR
5 positions.

6 **2.** Page 940, line 4: after that line insert:

7 **“SECTION 2826m.** 134.73 of the statutes is created to read:

8 **134.73 Identification of prisoner making telephone solicitation. (1)**

9 DEFINITIONS. In this section:

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

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

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

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

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

5 2. To solicit a contribution from a person.

6 3. To conduct an opinion poll or survey.

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

9 (a) Identify himself or herself by name.

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

11 (c) Inform the person called 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 **(3) TERRITORIAL APPLICATION.** (a) *Intrastate.* This section applies to any
14 intrastate telephone solicitation.

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

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

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

22 **SECTION 2826p.** 134.95 (2) of the statutes is amended to read:

23 134.95 **(2) SUPPLEMENTAL FORFEITURE.** If a fine or a forfeiture is imposed on a
24 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,
25 134.72, 134.73, or 134.87 or ch. 136 or a rule promulgated under these sections or that

1 chapter, the person shall be subject to a supplemental forfeiture not to exceed
2 \$10,000 for that violation if the conduct by the defendant, for which the fine or
3 forfeiture was imposed, was perpetrated against an elderly person or disabled person
4 and if any of the factors under s. 100.264 (2) (a), (b), or (c) is present.”.

5 **3.** Page 989, line 6: after that line insert:

6 “**SECTION 2981m.** 196.208 (5p) of the statutes is created to read:

7 **196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS.** (a) In this subsection:

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

9 2. “Prisoner” has the meaning given in s. 134.73 (1) (b).

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

14 1. Identify himself or herself by name.

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

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

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

21 **SECTION 2981p.** 196.208 (10) (a) of the statutes is amended to read:

22 196.208 (10) (a) Subsections (2) to (5) apply to any pay-per-call service that
23 a caller may access by a call originating in this state and ~~sub. (5p) and~~ (5t)
24 ~~applies~~ apply to any charitable organization, toll-free service vendor, or employee of

1 a charitable organization or toll-free service vendor that a caller may access by a call
2 originating in this state.

3 **SECTION 2981r.** 196.208 (11) (d) of the statutes is renumbered 196.208 (11) (d)
4 1. and amended to read:

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

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

11 **SECTION 2981s.** 196.208 (11) (d) 2. of the statutes is created to read:

12 196.208 (11) (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to
13 forfeit not more than \$500.

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

19 **4.** Page 1068, line 2: after that line insert:

20 **"SECTION 3325q.** 301.029 (2) (a) of the statutes is amended to read:

21 301.029 (2) (a) The department may not enter into any contract or other
22 agreement if, in the performance of the contract or agreement, a prisoner would
23 perform data entry or telemarketing services and have access to an individual's
24 financial transaction card numbers, checking or savings account numbers; or social

1 security number or to any personal identifying information, as defined in s. 943.201
2 (1) (b), of an individual who is not a prisoner.”.

3 **5.** Page 1397, line 6: after that line insert:

4 “(7k) CONTRACTS FOR DATA ENTRY OR TELEMARKETING SERVICES. The treatment of
5 section 301.029 (2) (a) of the statutes first applies to contracts entered into or
6 renewed by the department of corrections on the effective date of this subsection.”.

7 (END)