

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: **06/23/2001**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: **Susan McMurray**

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

Drafter: **nelsorp1**

May Contact:

Addl. Drafters:

Subject: **Correctional System - prisons**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Black@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Prohibit prisoners from performing telemarketing and data entry #120

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>
/?	nelsorp1 06/23/2001	wjackson 06/25/2001		_____			
/1			jfrantze 06/26/2001	_____	lrb_docadmin 06/26/2001	lrb_docadmin 06/26/2001	

FE Sent For:

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Correctional System - prisons

Extra Copies:

Submit via email: YES

Requester's email: Rep.Black@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Prohibit prisoners from performing telemarketing and data entry #120

Instructions:

See Attached

0993

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>
1?	nelsorp1	1 WJ 6/25	6/26	Self 6/26			

FE Sent For:

<END>

Assembly Democrat Budget Amendment Requests..

Request Number: 120
(not LRB number)

Agency: Corrections

Description: see below

Attachments:

Cost (if known):

Contact person: Susan McMurray, 266-7521, Representative Black's Office

bar inmates from performing
telemarketing and data entry
operations.

MGD

i. Specify that if a person is sentenced to the program and his or her extended supervision is revoked, the time remaining on the bifurcated sentence is the total length of the bifurcated sentence, less time served before release to extended supervision.

Specify that the current provisions of the intensive sanctions program continue to apply to persons convicted of offenses occurring before December 31, 1999.

3. TELEMARKETING AND DATA ENTRY

Delete \$172,900 in 2001-02 and \$230,500 in 2002-03 and 4.0 positions annually associated with telemarketing and data entry operations performed by inmates.

	Chg. to JFC Funding Positions	
PR	- \$403,400	- 4.00

Specify that the Department of Corrections may not enter into a contract or other agreement if, in the performance of the agreement, a prisoner would perform data entry or telemarketing services and would have access to any personal identifying information of an individual who is not a prisoner. Define "personal identifying information" to include an individual's name, address, telephone number, driver's license number, and social security number, an individual's employer or place of employment, an identification number assigned to an individual by his or her employer, the maiden name of an individual's mother and the numbers of certain types of bank accounts. Provide that these provisions would first apply to contracts entered into or renewed by Corrections on the effective date of the bill.

Require inmates making telephone solicitations or answering toll-free telephone numbers to do the following immediately after the person called answers the telephone:

a. When making a telephone solicitation: (1) state his or her name; (2) state that he or she is a prisoner; and (3) inform the person answering the call of the name and location (city and state) of the correctional facility in which he or she is a prisoner. Specify that these requirements apply to unsolicited initiations of a telephone conversation to encourage a person to purchase property, goods or services, to solicit charitable contributions, or to conduct opinion polls or surveys. In addition, specify that the requirements apply to prisoners located in a facility outside of Wisconsin if they make telephone solicitations to persons in Wisconsin.

b. When answering a toll-free telephone number: (1) state his or her name; (2) state that he or she is a prisoner; and (3) inform the caller of the name and location of the correctional facility in which he or she is a prisoner. Specify that these requirements apply to prisoners employed directly or indirectly by a charitable organization or toll-free service vendor to answer calls made to the charitable organization or toll-free service vendor. Provide that a charitable organization or toll-free service vendor that directly or indirectly employs a prisoner must provide reasonable supervision of the prisoner to assure the prisoner's compliance. In addition, specify that the requirements apply to prisoners located in a facility outside of Wisconsin if the prisoner is answering toll-free calls made by persons in Wisconsin.

Specify that a prisoner who violates the 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. Specify that an employer may be a party to a prisoner's violation of the requirements by aiding and abetting the violation, by conspiring with a prisoner to commit the violation, or by advising, hiring, counseling, or otherwise procuring a prisoner to violate the requirements.

Under current law, the Department 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 have access to an individual's financial transaction card numbers, checking or savings account numbers or social security number. In addition, 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 services or telemarketing services and have access to any information that may serve to identify a minor.

4. ELIMINATE INMATE SECURED WORK PROGRAM

Delete \$171,500 GPR and 3.0 GPR positions annually in the Department of Corrections associated with the secure inmate work program ("chain gangs"). Repeal statutory provisions (s. 303.063) related to the secure inmate work program.

Chg. to JFC Funding Positions		
GPR	- \$343,000	- 3.00

ask

5. ADDITIONAL TEACHER POSITIONS AT ELLSWORTH CORRECTIONAL CENTER

Provide \$113,900 in 2001-02 and \$147,900 in 2002-03 and 3.0 teacher positions annually for increased teaching resources at the Ellsworth Correctional Center for women. Currently, Ellsworth has 5.0 teachers for 283 inmates.

Chg. to JFC Funding Positions		
GPR	\$261,800	3.00

6. STANLEY CORRECTIONAL INSTITUTION STAFFING AND LEASE COSTS

Modify the Joint Finance provision related to the Stanley Correctional Institution staffing and lease costs as follows:

- a. Specify that the Department of Corrections is required to pay the owners of the Stanley facility \$650,000 per month for carrying costs for the period beginning on July 1, 2001, and ending on the earlier of October 31, 2001, or the date on which the Building Commission purchases the facility. Specify that if the Building Commission purchases the facility before October 31, 2001, the carrying costs for the month in which the purchase takes place be prorated.

2001

Date (time) needed Soon

LRB b 170211

**ADC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

APW : Wlj : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page , line :

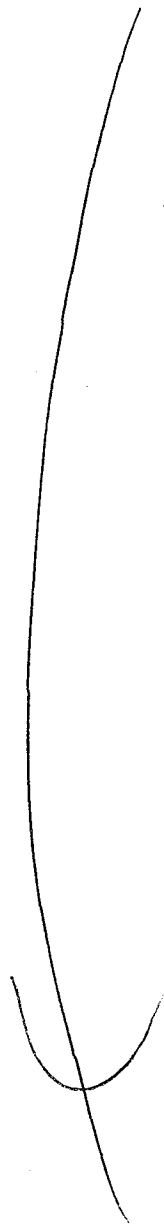
#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :



SDC:.....Keckhaver - CN2505, Prohibit corrections department inmates
from telemarketing and data entry

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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).

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

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

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

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

7 2. To solicit a contribution from a person.

8 3. To conduct an opinion poll or survey.

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

11 (a) Identify himself or herself by name.

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

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

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

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

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

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

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

1 **134.95 (2) SUPPLEMENTAL FORFEITURE.** If a fine or a forfeiture is imposed on a
2 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,
3 134.72, 134.73, or 134.87 or ch. 136 or a rule promulgated under these sections or that
4 chapter, the person shall be subject to a supplemental forfeiture not to exceed
5 \$10,000 for that violation if the conduct by the defendant, for which the fine or
6 forfeiture was imposed, was perpetrated against an elderly person or disabled person
7 and if any of the factors under s. 100.264 (2) (a), (b), or (c) is present.”.

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

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

10 **196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS.** (a) In this subsection:

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

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

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

17 1. Identify himself or herself by name.

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

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

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

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

1 196.208 (10) (a) Subsections (2) to (5) apply to any pay-per-call service that
2 a caller may access by a call originating in this state and ~~sub-~~ subs. (5p) and (5t)
3 ~~applies apply to any charitable organization, toll-free service vendor, or employee of~~
4 a charitable organization or toll-free service vendor that a caller may access by a call
5 originating in this state.

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

8 196.208 (11) (d) 1. ~~Any~~ Except as provided in subd. 2., any person who violates
9 subs. (2) to (9) shall be required to forfeit not less than \$25 nor more than \$5,000 for
10 each offense.

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

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

15 196.208 (11) (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to
16 forfeit not more than \$500.

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

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

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

1 301.029 (2) (a) The department may not enter into any contract or other
2 agreement if, in the performance of the contract or agreement, a prisoner would
3 perform data entry or telemarketing services and have access to an individual's
4 financial transaction card numbers, checking or savings account numbers; or social
5 security number or to any personal identifying information, as defined in s. 943.201
6 (1) (b), of an individual who is not a prisoner."

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

8 “(7k) CONTRACTS FOR DATA ENTRY OR TELEMARKETING SERVICES. The treatment of
9 section 301.029 (2) (a) of the statutes first applies to contracts entered into or
10 renewed by the department of corrections on the effective date of this subsection.”.

11 **(END)**