

**2005 DRAFTING REQUEST**

**Bill**

Received: 06/06/2005

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Patricia Strachota (608) 264-8486

By/Representing: Sara

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Correctional System - prisons  
Correctional System - jails

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Communion wine for prisoners

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**Instructions:**

See Attached

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**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 06/06/2005	wjackson 06/23/2005		_____			
/1			pgreensl 06/23/2005	_____	lemery 06/23/2005	sbasford 07/18/2005	

FE Sent For:

<END>

↳ Not Needed

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By/Representing: **Sara**

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Correctional System - jails**

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/?	mdsida	1 WLJ 6/23	6/23 P8	6/23 sett			
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FE Sent For:

<END>

## 2005 SENATE BILL 174

April 18, 2005 - Introduced by Senators GROTHMAN, LEIBHAM and OLSEN, cosponsored by Representatives GUNDRUM, STRACHOTA, BIES, DAVIS, GRONEMUS, GUNDERSON, HAHN, HINES, JENSEN, JESKEWITZ, KRAWCZYK, PRIDEMORE, PETTIS, VAN ROY and VOS. Referred to Committee on Judiciary, Corrections and Privacy.

Regen

- 1 AN ACT *to amend* 302.37 (2), 302.375 (1m) (intro.) and 302.375 (2); and *to create*  
 2 302.375 (2m) of the statutes; **relating to:** the use of wine in a religious service  
 3 in a prison, jail, or house of correction.

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

Under current law, members of the clergy are permitted to conduct religious services within prisons, jails, and houses of correction at least once each week. Current law also specifies that an inmate is entitled to receive, upon request, religious ministrations and sacraments according to the inmate's faith. Current law, however, also prohibits providing an intoxicating liquor to and the use of an intoxicating liquor by any inmate — prohibitions that could be construed to cover wine used in a religious service.

This bill creates an exception to the prohibitions regarding the provision or use of intoxicating liquor to allow for the use of a reasonable amount of wine in a religious service in a prison, jail, or house of correction.

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

- 4 SECTION 1. 302.37 (2) of the statutes is amended to read:  
 5 302.37 (2) Neither Except as provided in s. 302.375 (2m), neither the sheriff  
 6 or other keeper of any jail nor any other person shall give, sell or deliver to any

**SENATE BILL 174****SECTION 1**

1 prisoner for any cause whatever any alcohol beverages unless a physician certifies  
2 in writing that the health of the prisoner requires it, in which case the prisoner may  
3 be allowed the quantity prescribed.

4 **SECTION 2.** 302.375 (1m) (intro.) of the statutes is amended to read:

5 302.375 (1m) (intro.) Any Except as provided in s. 302.375 (2m), any sheriff,  
6 jailer or keeper of any prison, jail or house of correction or any other person who does  
7 any of the following with respect to a prisoner within the precincts of any prison, jail  
8 or house of correction shall be fined not more than \$10,000 or imprisoned not more  
9 than 9 months or both:

10 **SECTION 3.** 302.375 (2) of the statutes is amended to read:

11 302.375 (2) Any Except as provided in s. 302.375 (2m), any prisoner who uses  
12 intoxicating liquor in violation of s. 302.37 (2) shall be fined not more than \$10,000  
13 or imprisoned for not more than 9 months or both.

14 **SECTION 4.** 302.375 (2m) of the statutes is created to read:

15 302.375 (2m) A member of the clergy may possess a reasonable amount of wine  
16 in a prison, jail, or house of correction if he or she intends to use it in a religious  
17 service. A member of the clergy may give or deliver a reasonable amount of wine to  
18 an inmate and an inmate may consume that wine as part of a religious service. The  
19 department is not required to purchase or store wine for an inmate, a chaplain, or  
20 any other member of the clergy who is acting under this subsection.

21 (END)

**Basford, Sarah**

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**From:** Buschman, Sara  
**Sent:** Monday, July 18, 2005 2:56 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-3155/1 Topic: Communion wine for prisoners

It has been requested by <Buschman, Sara> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-3155/1 Topic: Communion wine for prisoners