

**2011 DRAFTING REQUEST**

**Bill**

Received: **05/02/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Randy Hopper (608) 266-5300**

By/Representing: **Andrew Evenson**

May Contact:

Drafter: **chanaman**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Hopper@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Providing correctional officers with information about inmates and contagious diseases

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**Instructions:**

See attached--2009 SB 547

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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>
/?	chanaman 05/05/2011	kfollett 05/05/2011		_____			S&L
/1			rschluet 05/05/2011	_____	lparisi 05/05/2011	ggodwin 05/06/2011	
				_____	lparisi 05/06/2011		

FE Sent For:

At  
Intro.

<END>

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				_____	lparisi 05/06/2011		

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Received: **05/02/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Scott Fitzgerald (608) 266-5660**

By/Representing: **Hannah Huffman**

May Contact:

Drafter: **chanaman**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Fitzgerald@legis.wisconsin.gov**

*reassigned to Sen. Hopper  
5-6-11 per Hannah from  
Fitzgerald's office - see  
attached*

Carbon copy (CC:) to:

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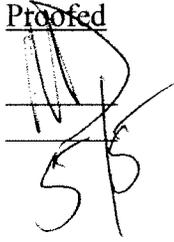
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/?	chanaman	11/5/11 5/5		 5/5			

FE Sent For:

<END>



State of Wisconsin  
2009 - 2010 LEGISLATURE

2008/1  
LRB-3994/1  
CMH:rw:ph  
JF

FRIDAY  
per requester

~~2009 SENATE BILL 547~~

February 18, 2010 - Introduced by Senators HOPPER, COWLES, SCHULTZ, A. LASEE, DARLING, LEIBHAM and OLSEN, cosponsored by Representatives SUDER, SPANBAUER, RIPP, HRAYCHUCK, J. FITZGERALD, MONTGOMERY, BROOKS, MURTHA, VOS, BALLWEG, KNODL, GUNDERSON, BIES and NERISON. Referred to Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation.

refer cut

1 AN ACT *to renumber* 302.388 (3); and *to create* 146.82 (2) (a) 22., 252.15 (5) (a)  
2 21., 302.388 (2) (g) and 302.388 (3) (b) of the statutes; **relating to:** informing  
3 correctional officers about inmates with contagious diseases.

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

Under current law, with some specific exceptions, a patient's health care records, as well as the results of a test for the presence of HIV, are released only with the patient's or test subject's consent. One exception is the release of a prisoner's health care records to the prisoner's health care provider, the medical staff in the prison or jail, or a person maintaining prisoner medical records. This bill permits health care disclosures about a prisoner to persons designated to have custodial authority over the prisoner or who are responsible for transferring a prisoner to or from a prison or jail if both of the following apply: 1) the prisoner is found to have a communicable disease or an HIV test conducted on the prisoner was positive for the presence of HIV; and 2) the disclosure is necessary for the health and safety of the prisoner, other prisoners, the person having custodial authority, the person responsible for transferring the prisoner, or an employee of the prison or jail.

For further information see the ***state and local*** 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:***

SENATE BILL 547

*If the subject of the is prisoner, HIV test is a positive*

1 SECTION 1. 146.82 (2) (a) 22. of the statutes is created to read:

2 146.82 (2) (a) 22. By a person specified in subd. 21. to a correctional officer of  
3 the department of corrections who has custody of or is responsible for the supervision  
4 of a prisoner, to a person designated by a jailer to have custodial authority over a  
5 prisoner, or to a law enforcement officer or other person who is responsible for  
6 transferring a prisoner to or from a prison or jail, if the patient health care record  
7 indicates that the prisoner has a communicable disease and disclosure of that  
8 information is necessary for the health and safety of the prisoner or of other  
9 prisoners, of the person whom the information is disclosed, or of any employee of the  
10 prison or jail.

*(3m) (d) 17.*

11 (B) (d) SECTION 2. 252.15 (5) (a) 21. of the statutes is created to read:

12 *17.* 252.15 (5) (a) 21. By a person specified in subd. 20, to a correctional officer of  
13 the department of corrections who has custody of or is responsible for the supervision  
14 of a ~~prisoner~~ *the test subject*, to a person designated by a jailer to have custodial authority over a  
15 ~~prisoner~~ or to a law enforcement officer or other person who is responsible for  
16 transferring a ~~prisoner~~ *the test subject* to or from a prison or jail, if the ~~test results~~ *HIV* indicate that the  
17 ~~prisoner has tested positive for the presence of HIV, as defined in s. 252.01 (1m),~~ *is positive*  
18 ~~antigen or nonantigenic products of HIV, or an antibody to HIV~~ and disclosure of that  
19 information is necessary for the health and safety of the ~~prisoner~~ *test subject* or of other  
20 prisoners, of the person to whom the information is disclosed, or of any employee of  
21 the prison or jail.

22 SECTION 3. 302.388 (2) (g) of the statutes is created to read:

23 302.388 (2) (g) If a prisoner's health summary form or complete medical file  
24 indicates that the prisoner has a communicable disease and if disclosure of that  
25 information is necessary for the health and safety of the prisoner or of other

**SENATE BILL 547**

1 prisoners, of a correctional officer who has custody of or is responsible for the  
2 supervision of the prisoner, of a person designated by a jailer to have custodial  
3 authority over the prisoner, of any other employee of the prison or jail, or of a law  
4 enforcement officer or other person who is responsible for transferring the prisoner  
5 to or from a prison or jail, receiving institution intake staff shall disclose that  
6 information to the persons specified in par. (f) 1. to 4. and to that correctional officer,  
7 person with custodial authority, law enforcement officer, or other person.

8 **SECTION 4.** 302.388 (3) of the statutes is renumbered 302.388 (3) (a).

9 **SECTION 5.** 302.388 (3) (b) of the statutes is created to read:

10 302.388 (3) (b) If a prisoner's treatment summary indicates that the prisoner  
11 has a communicable disease and if disclosure of that information is necessary for the  
12 health and safety of the prisoner or of other prisoners, of a correctional officer who  
13 has custody of or is responsible for the supervision of the prisoner, of a person  
14 designated by a jailer to have custodial authority over the prisoner, of any employee  
15 of the prison or jail, or of a law enforcement officer or other person who is responsible  
16 for transferring the prisoner to or from a prison or jail, the department or jailer shall  
17 disclose that information to the persons to whom a treatment summary may be made  
18 available under par. (a) and to that correctional officer, person with custodial  
19 authority, law enforcement officer, or other person.

20 (END)

**Parisi, Lori**

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**From:** Huffman, Hannah  
**Sent:** Friday, May 06, 2011 10:04 AM  
**To:** Parisi, Lori  
**Cc:** Evenson, Andrew  
**Subject:** Reassignment of Right to Know Draft

Good morning Lori,

Please reassign LRB 11-2008/1 (relating to providing correctional officers with information about inmates and contagious diseases) to Senator Hopper.

I have CC'd Andrew Evenson from Sen. Hopper's office on this email.

Thank you,

*Hannah Huffman*  
Office of Senator Scott Fitzgerald  
Senate Majority Leader  
608.266.5660

**Godwin, Gigi**

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**From:** Evenson, Andrew  
**Sent:** Friday, May 06, 2011 2:01 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2008/1 Topic: Providing correctional officers with information about inmates and contagious diseases

Please Jacket LRB 11-2008/1 for the SENATE.

Sincerely,

Andrew Evenson  
Legislative Aide  
Office of Senator Randy Hopper  
608-266-5300