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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Public Safety, and Urban
Affairs (SC-LPSUA)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (July/2012)

Senate

Record of Committee Proceedings

Committee on Labor, Public Safety, and Urban Affairs

Senate Bill 283

Relating to: unauthorized possession of a correctional employee's personal identifying information and providing a penalty.

By Senators King, Shilling, Moulton, Schultz, Wanggaard and Erpenbach; cosponsored by Representatives Hintz, Berceau, Pope-Roberts, Radcliffe, Sinicki, Spanbauer, Wynn, Zepnick and Steineke.

November 04, 2011 Referred to Committee on Labor, Public Safety, and Urban Affairs.

November 29, 2011 **PUBLIC HEARING HELD**

Present: (5) Senators Wanggaard, Grothman, Lazich, Wirch and King.
Absent: (0) None.
Excused: (0) None.

Appearances For

- Jessica King — Senator
- Adam Sutter, Prairie du Chien — AFSCME Local 903-PDCI
- Susan McMurray — AFSCME
- Ken Fleshner, Prairie du Chien — PDCI AFSCME Local 903

Appearances Against

- None.

Appearances for Information Only

- Stacey Rolston, Madison — Dept. of Corrections
- Melissa Roberts — Dept. of Corrections

Registrations For

- Gordon Hintz — Representative, 54th Assembly District
- Jennifer Shilling — Senator, 32nd Senate District
- Alice O'Connor — WI Chiefs of Police Association

Registrations Against

- None.

Registrations for Information Only

- None.

February 28, 2012

EXECUTIVE SESSION HELD

Present: (5) Senators Wanggaard, Grothman, Lazich, Wirch
and King.
Absent: (0) None.
Excused: (0) None.

Moved by Senator King, seconded by Senator Wirch that **Senate
Amendment 1** be recommended for adoption.

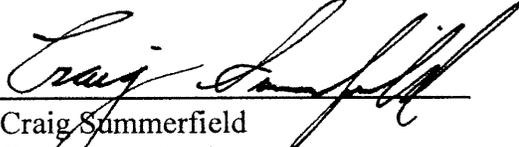
Ayes: (5) Senators Wanggaard, Grothman, Lazich,
Wirch and King.
Noes: (0) None.

ADOPTION OF SENATE AMENDMENT 1 RECOMMENDED,
Ayes 5, Noes 0

Moved by Senator King, seconded by Senator Wirch that **Senate
Bill 283** be recommended for passage as amended.

Ayes: (5) Senators Wanggaard, Grothman, Lazich,
Wirch and King.
Noes: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 0



Craig Summerfield
Committee Clerk

Vote Record
Committee on Labor, Public Safety, and Urban Affairs

Date: 2/28/12

Moved by: KING Seconded by: WIRCH

AB _____ SB 283 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Senator Van Wanggaard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mary Lazich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Jessica King	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 5-0 _____ _____

Vote Record
Committee on Labor, Public Safety, and Urban Affairs

Date: 2/28/12

Moved by: RWB Seconded by: WIRCH

AB _____ SB 283 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- | | | | | |
|---------------------------------------|--|---------------------------------------|---|--|
| <input type="checkbox"/> Passage | <input checked="" type="checkbox"/> Adoption | <input type="checkbox"/> Confirmation | <input type="checkbox"/> Concurrence | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Rejection | <input type="checkbox"/> Tabling | <input type="checkbox"/> Nonconcurrence | |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Van Wanggaard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mary Lazich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Jessica King	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 5-0 _____ _____





WISCONSIN STATE SENATE
P. O. Box 7882 Madison, WI 53707-7882

November 16, 2011

Senator Van Wanggaard
Committee Chair
Senate Committee on Labor, Public Safety, and Urban Affairs

HAND DELIVERED

Dear Chairman Wanggaard,

Senate Bill 283 regarding the unauthorized possession of a correctional employee's personal identifying information is currently awaiting action in your committee. We would like to request that you please hold a public hearing and schedule an executive session on this bipartisan bill.

This proposal, more commonly known as the Data Breach Bill, is the result of an incident at a state correctional facility where a prisoner obtained a correctional officer's personal information, including their Social Security numbers. As a result of the limitations with our current laws, these officers were unable to receive the full credit freeze protections that they needed since it is not a felony for a prisoner to possess a correctional officer's personal information. SB 283 corrects this flaw in the state statutes.

If you have any questions regarding this proposal, please feel free to contact us.

Sincerely,

Jessica King
State Senator, 18th District

Jennifer Shilling
State Senator, 32nd District



WISCONSIN STATE LEGISLATURE



2011 Senate Bill 283
Testimony before the Senate Committee
on Labor, Public Safety, and Urban Affairs
November 29, 2011

Introduction:

Good Morning Chairman Wanggaard and members of the Senate Committee on Labor, Public Safety, and Urban Affairs. My name is Stacey Rolston and I am the Administrator for the Division of Management Services within the Department of Corrections. One of my significant areas of responsibility includes oversight of the Department's privacy policies. I appreciate the opportunity to testify for informational purposes this morning regarding Senate Bill 283.

Safety and security in our institutions and within our communities are top priorities for the Department. Our goal is for offenders to successfully reenter society and for our staff to go home safely to their families at the end of the day. Correctional employees make numerous sacrifices to ensure Wisconsin is a safer place to live and we believe this bill provides additional and necessary protection for our staff.

In April of 2009, inmates at Prairie du Chien Correctional Institution were found in possession of Social Security Numbers of 78 current and former employees. Around that same time, an inmate at Green Bay Correctional institution (GBCI) who was formerly at the Wisconsin Resource Center was in possession of Social Security Numbers of staff (and family members) within GBCI's administration, including the Warden. Most recently, an inmate housed in Segregation at Columbia Correctional Institution (CCI) was heard yelling out the Social Security Number of a Social Worker. The inmate also knew the Social Worker's maiden name which she had not used since she worked at Ethan Allen School for Boys where the inmate had once been in institutional care.

During the 2009 investigation into the incident at PDCI, we worked in concert with the Union, local law enforcement, DATCP, and OSER. Unfortunately, the result of that investigation uncovered that current law does not prevent an inmate from being in possession of this information and therefore, there was no legal remedy or protection for the staff impacted. The Department is providing the affected staff with 7 years of debt protection services; however, since these infractions were not

“identity theft” under the current statutory language this service was not available free of charge.

As a result of the 2009 data breach at PDCI, the Department has taken various steps to improve the security, retention, and destruction of documents that include both staff and inmate personal identifying information. We conducted an agency wide survey to determine the extent to which we collected personal identifying information and the consistency in which we protected that information. Historically, the Department had over 100 forms that required an individual to provide his/her Social Security Number. Today, we have only 5 forms that require a Social Security Number. We have implemented policies and improved practices in an effort to reduce the possibility of this information being compromised. However, as the most recent incident at CCI indicates, these steps are not enough to provide our staff with complete peace of mind that they will be protected, even if their information was not. The threat of identity theft was not as imminent twenty years ago as it is in today’s technological age and we need to ensure that our policies and laws keep pace with these advancements.

Current Law:

Current law prohibits the unauthorized *use* of another person’s personal identifying information, but does not preclude inmates or offenders from being in possession of a correctional employee’s information. Current law also prohibits the intentional use of this information to obtain something of value, to avoid civil or criminal process or penalty, or to harm the reputation or property of the person. Currently, a person who is victim of “identity theft” may obtain a security freeze on his or her credit reports free of charge. Since the inmates had not yet *used* the information, they could not be prosecuted and our staff had no protection under the law.

Bill Requirements:

This bill prohibits an inmate from *possessing* a correctional employee’s personal indentifying information. An inmate would be guilty of a Class H felony if they are found in violation. In addition, this bill provides correctional employees the protection of obtaining a security freeze on their credit reports free of charge.

The bill, as drafted, includes definitions for “correctional employee” and “prisoner” which only includes staff and inmates within our *adult* correctional institutions. The Department respectfully requests consideration that these

definitions be expanded to include staff who work with offenders in the community (both adult and juvenile), adult offenders on community supervision, and youth who are in our juvenile correctional institutions and on community supervision. Our staff in the field are just as vulnerable to this type of crime as staff in the institution. In addition, as we understand the bill, if an inmate were to have gained possession of a staff person's personal indentifying information while incarcerated, but it is not discovered until he/she is released, we would need to prove that the information was obtained while the person was incarcerated for it to a violation.

I thank you for the opportunity to address this committee on this bill and welcome any questions you might have at this time.



WISCONSIN STATE LEGISLATURE





November 29, 2011

Senator Van Wanggaard, Chair
Senate Committee on Labor, Public Safety,
and Urban Affairs
Room 319 South, State Capitol
Madison WI 53707-7882

Senator Wanggaard and members,

Thank you for holding a public hearing on Senate Bill 283, related to the unauthorized possession of a correctional employee's personal identifying information.

Correctional officers face risks everyday. We recognize that physical risks can have financial consequences by classifying corrections officers as protective service for purposes of the Wisconsin Retirement System. However, our system is lacking when it comes to protecting corrections officers from the risk posed by financial and identity crimes.

Imagine you are a correctional officer and you discover an inmate obtained your social security number, address and your mother's maiden name. When the discovery is made, it cannot be demonstrated that the inmate used the information, attempted to use it or even has the intent to use it - therefore it cannot be proven a crime has been committed and it is not possible for you to take the necessary step of obtaining a credit freeze free of charge. As a corrections officer it is up to you to take the time and spend the money to protect yourself.

Under current Wisconsin law, a corrections officer would have to pay \$10 to each of the three credit reporting agencies to put a freeze into effect. Wisconsin law also allows a charge of \$10 for removing the fee or for temporarily lifting of the fee. When considering the cost of the initial freeze and the \$10 fee paid to each agency for having the freeze temporarily lifted every time credit is sought - the cost to prison guards can quickly add up.

This bill does two things:

First, it makes it a Class H felony for inmates and residents of mental health facilities to possess the personal identifying information of corrections officers. It is currently a Class H felony to use, attempt to use, or intend to use this information.

Secondly, by making possession a Class H felony in these limited circumstances, the bill then enables corrections officers to secure the necessary credit freezes and have freezes lifted when necessary - without having to pay \$10 to each of the credit reporting agencies.

Corrections officers know their jobs come with inherent risks. We cannot eliminate the risk, but when gaps in the law effectively enable inmates to gather correction officer information with impunity we need to take necessary steps to help these officers manage the risk. Senate Bill 283 is a bipartisan bill that closes a gap in law and will help to reduce one of the risks corrections officers face.

Again, thank you for holding a public hearing on the bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon Hintz". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Gordon Hintz
State Representative – 54th Assembly District