



## 1995 ASSEMBLY BILL 978

February 29, 1996 - Introduced by Representatives NASS, KREIBICH, AINSWORTH, FREESE, SKINDRUD and WASSERMAN, cosponsored by Senator WELCH. Referred to Committee on Criminal Justice and Corrections.

1     **AN ACT to amend** 101.123 (4) (am) 1., 101.123 (4) (bm), 101.123 (6) and 101.123  
2           (8) (a); and **to create** 101.123 (1) (dr) and 101.123 (2) (d) of the statutes; **relat-**  
3           **ing to:** prohibiting prisoners from smoking in state prisons and providing a  
4           penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits smoking in certain specified buildings or facilities, such as enclosed, indoor areas of a state or local government building, except in areas designated by the person in charge of the building or facility. This bill prohibits prisoners from smoking anywhere in or on the premises of state prisons. The restriction does not apply to department of corrections employees or to prison visitors.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

5           **SECTION 1.** 101.123 (1) (dr) of the statutes is created to read:  
6           101.123 (1) (dr) "Prisoner" has the meaning given in s. 301.01 (2).  
7           **SECTION 2.** 101.123 (2) (d) of the statutes is created to read:  
8           101.123 (2) (d) Notwithstanding par. (a) and subs. (3) and (4), no prisoner may  
9           smoke in or on the premises of a prison.

1           **SECTION 3.** 101.123 (4) (am) 1. of the statutes is amended to read:

2           101.123 (4) (am) 1. The secretary of health and social services or his or her de-  
3           signee may designate areas where smoking is permitted in a state institution other  
4           than a prison, unless a fire marshal, law or resolution prohibits smoking in the area.  
5           The secretary of corrections or his or her designee may designate areas where smok-  
6           ing is permitted in a prison, unless a fire marshal, law or resolution prohibits smok-  
7           ing in the area and subject to the restriction under sub. (2) (d). Either secretary or  
8           his or her designee may designate an entire room as a smoking area in a state institu-  
9           tion administered by the secretary's department subject to the restriction regarding  
10          prisoners under sub. (2) (d).

11          **SECTION 4.** 101.123 (4) (bm) of the statutes is amended to read:

12          101.123 (4) (bm) The person in charge of a state institution, jail or lockup facil-  
13          ity, or his or her agent, shall post notice of the designation of a smoking area under  
14          par. (am) in or near the area designated. If an entire room is designated a smoking  
15          area, the person in charge or his or her agent shall post notice of the designation con-  
16          spicuously on or near all normally used entrances to the room. If an entire building  
17          in a prison, secured correctional facility, jail or lockup facility is designated a smoking  
18          area, the person in charge, or his or her agent, shall post notice of the designation  
19          on or near all normally used entrances to the building, but need not post notice of the  
20          designation on or near entrances to rooms within the building. If applicable, the no-  
21          tice shall include information about the restriction under sub. (2) (d).

22          **SECTION 5.** 101.123 (6) of the statutes is amended to read:

23          101.123 (6) UNIFORM SIGNS. The department shall, by rule, specify uniform di-  
24          mensions and other characteristics of signs used to designate smoking areas, includ-  
25          ing signs for areas subject to the restriction under sub. (2) (d). These rules may not

1 require the use of signs that are more expensive than is necessary to accomplish their  
2 purpose.

3 **SECTION 6.** 101.123 (8) (a) of the statutes is amended to read:

4 101.123 (8) (a) Any person who wilfully violates sub. (2) (a), (am) 1. or (bm) after  
5 being advised by an employe of the facility that smoking in the area is prohibited or  
6 that the person is prohibited from smoking under sub. (2) (d) or any person in charge  
7 or his or her agent who wilfully fails to comply with sub. (5) shall forfeit not more than  
8 \$10.

9 (END)