

State of Misconsin 2019 - 2020 LEGISLATURE

LRB-4995/1 CMH:cjs

2019 SENATE BILL 647

January 8, 2020 – Introduced by Senators Olsen, Feyen, Nass and Marklein, cosponsored by Representatives Plumer, Born, Ballweg, Brandtjen, Horlacher, James, Knodl, Skowronski, Thiesfeldt, VanderMeer and Wichgers. Referred to Committee on Judiciary and Public Safety.

1 AN ACT to create 302.095 (3) of the statutes; relating to: smuggling items into

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or out of prisons by inmates and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person may not deliver or possess with the intent to deliver an item to an inmate if the delivery violates the rules or regulations of the jail or prison and is done without the permission of the jailer or warden. In addition, a person may not receive from an inmate an item that is intended to be conveyed out of the jail or prison if the action violates the rules or regulations and is done without the permission of the jailer or warden. A person who violates one of these prohibitions is guilty of a Class I felony.

Under this bill, an inmate may not receive or be in possession of an item that was delivered to him or her if the delivery violates the rules of regulations of the jail or prison and is done without the permission of the jailer or warden. In addition, an inmate may not provide to a person an item that is intended to be conveyed out of the jail or prison if the action violates the rules or regulations and is done without the permission of the jailer or warden. An inmate who violates one of these prohibitions is guilty of a misdemeanor.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

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1 **SECTION 1.** 302.095 (3) of the statutes is created to read: $\mathbf{2}$ 302.095 (3) Any inmate confined in a jail or state prison who receives or 3 obtains, has delivered, or is in possession of, or who deposits or conceals in or about 4 a jail or prison, any article or thing conveyed from a person, or who provides or $\mathbf{5}$ procures to be provided to a person any article or thing with the intent to convey it 6 out of the jail or prison, contrary to the rules or regulations and without the 7 knowledge or permission of the sheriff or other keeper of the jail, in the case of a jail, 8 or of the warden or superintendent of the prison, in the case of a prison, is guilty of 9 a misdemeanor and is subject to a fine not to exceed \$10,000 or imprisonment not to 10 exceed 9 months, or both.

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(END)