



2005 ASSEMBLY BILL 616

August 19, 2005 - Introduced by Representatives STRACHOTA, GUNDRUM, BIES, DAVIS, GRONEMUS, GUNDERSON, HAHN, HINES, JENSEN, JESKEWITZ, KRAWCZYK, PRIDEMORE, PETTIS, VAN ROY and VOS, cosponsored by Senators GROTHMAN, LEIBHAM and OLSEN. Referred to Committee on Corrections and the Courts.

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.

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.

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

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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)