



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5063/1
MJW:skw

2023 SENATE BILL 862

December 26, 2023 - Introduced by Senators TAYLOR and L. JOHNSON, cosponsored by Representatives MADISON, CLANCY, STUBBS, DRAKE, J. ANDERSON, BALDEH, CONLEY, CONSIDINE, EMERSON, JOERS, MOORE OMOKUNDE, PALMERI, SHELTON, SINICKI, SUBECK and NEUBAUER. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 301.30, 303.01 (4), 303.08 (3) and 303.10 (10) of the statutes;
2 **relating to:** minimum wage for all inmates and residents of state correctional
3 institutions and county jails or houses of correction and making an
4 appropriation.

Analysis by the Legislative Reference Bureau

Current law provides that the Department of Corrections sets the rate of pay for inmates working in state correctional institutions and the Prison Industries Board sets wages for inmates employed by the Bureau of Correctional Enterprises. Under current law, BCE employees may be paid an hourly rate plus an incentive wage based on productivity in some instances, but wages may not be set at a rate that would cause a deficit on operations.

The bill provides that all inmates and residents that perform labor must be paid a wage, and in addition to the standards under current law, provides that no inmate or resident of a state correctional institution may be paid a wage that is less than the rate for tipped workers, which is currently \$2.33 per hour. The bill removes the provision that wages may not be set at a rate that would cause a deficit on operations.

The bill increases all wages established by the Prison Industries Board for payment to inmates employed by BCE by \$2.33 on the effective date of the bill.

The bill provides that any prisoner in a county jail or county work camp must be paid a wage that is not less than the rate for tipped workers, which is currently \$2.33 per hour.

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The bill also provides to DOC \$58,933,600 in fiscal year 2023-24 and \$88,400,400 in fiscal year 2024-25 to pay the wages of inmates in state correctional institutions and \$873,300 in fiscal year 2023-24 and \$1,310,000 in fiscal year 2024-25 to pay the wages of inmates engaged in labor under BCE.

For further information see the state 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:

1 **SECTION 1.** 301.30 of the statutes is amended to read:

2 **301.30 Inmate wages, allowances and release payments.** The
3 department may pay a wage or an allowance and a release payment to inmates at
4 its institutions. The department shall prescribe the amounts of pay and such hours,
5 health and other conditions in connection with employment as are reasonable, but
6 all inmates that perform labor shall be paid a wage and the wage or allowance paid
7 under this section may not be set at a rate that is less than the hourly rate established
8 under s. 104.035 (3) (a) 1. or its equivalent weekly allowance.

9 **SECTION 2.** 303.01 (4) of the statutes is amended to read:

10 **303.01 (4) WAGE STANDARDS.** All inmates and residents that perform labor shall
11 be paid a wage ~~that is.~~ The wage that inmates and residents are paid shall be based
12 on the productivity of the work the inmates and residents perform. Wages may be
13 established at an hourly rate plus an incentive wage based on productivity and
14 piecework formulas may be created. ~~However, wages shall, but wages may not be set~~
15 ~~at a rate such as to cause a deficit on operations~~ that is less than the hourly rate
16 established under s. 104.035 (3) (a) 1. Changes in inmate and resident wage rate
17 schedules may not be made without approval of the prison industries board.

18 **SECTION 3.** 303.08 (3) of the statutes is amended to read:

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1 303.08 (3) The sheriff shall endeavor to secure employment or employment
2 training for unemployed prisoners under this section. An employer that employs a
3 prisoner for work under this section shall pay the prisoner at a rate not less than the
4 hourly rate established under s. 104.035 (3) (a) 1. If a prisoner is employed for wages
5 or salary or receives unemployment insurance or employment training benefits
6 while in custody in the jail, the sheriff shall collect the wages or salary or require the
7 prisoner to turn over the wages, salary or benefits in full when received. The sheriff
8 shall deposit the wages, salary or benefits in a trust checking account and shall keep
9 a ledger showing the status of the account of each prisoner. Such wages or salary are
10 not subject to garnishment in the hands of either the employer or the sheriff during
11 the prisoner's term, and shall be disbursed only as provided in this section; but for
12 tax purposes they are income of the prisoner.

13 **SECTION 4.** 303.10 (10) of the statutes is amended to read:

14 303.10 (10) An employer that employs a prisoner for work under this section
15 shall pay the prisoner at a rate set by the county board by ordinance, except that such
16 rate may not be less than the hourly rate established under s. 104.035 (3) (a) 1.

17 **SECTION 5. Nonstatutory provisions.**

18 (1) Notwithstanding s. 303.01 (4), the inmate and resident wage rate schedules
19 established under s. 303.01 (4) shall be increased by \$2.33 per hour on the effective
20 date of this subsection.

21 **SECTION 6. Fiscal changes.**

22 (1) WAGES OF INMATES OF STATE CORRECTIONAL INSTITUTIONS. In the schedule
23 under s. 20.005 (3) for the appropriation to the department of corrections under s.
24 20.410 (1) (a), the dollar amount for fiscal year 2023-24 is increased by \$58,933,600
25 to pay the wages of inmates in state correctional institutions. In the schedule under

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1 s. 20.005 (3) for the appropriation to the department of corrections under s. 20.410
2 (1) (a), the dollar amount for fiscal year 2024-25 is increased by \$88,400,400 to pay
3 the wages of inmates in state correctional institutions.

4 (2) WAGES OF INMATES UNDER THE BUREAU OF CORRECTIONAL ENTERPRISES. In the
5 schedule under s. 20.005 (3) for the appropriation to the department of corrections
6 under s. 20.410 (1) (a), the dollar amount for fiscal year 2023-24 is increased by
7 \$873,300 to pay the wages of inmates engaged in labor under the bureau of
8 correctional enterprises. In the schedule under s. 20.005 (3) for the appropriation to
9 the department of corrections under s. 20.410 (1) (a), the dollar amount for fiscal year
10 2024-25 is increased by \$1,310,000 to pay the wages of inmates engaged in labor
11 under the bureau of correctional enterprises.

12 (END)