

# **1999 DRAFTING REQUEST**

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# Bill

Received: 10/28/98	Received By: <b>rkite</b>		
Wanted: As time permits	Identical to LRB:		
For: Marlin Schneider (608) 266-0215	By/Representing: judy		
This file may be shown to any legislator: NO	Drafter: <b>rkite</b>		
May Contact:	Alt. Drafters:		
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# **Topic:**

Telephone solicitations by prisoners

#### Instructions:

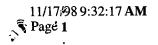
See Attached

Drafting History:							
Vers.	<b>Drafted</b>	<u>Reviewed</u>	Typed	Proofed	Submitted	Jacketed	Required
I?	rkite 11/13/98	gilfokm 1 <b>1/16/98</b>					S&L
/1			ismith 11/17/98		lrb-docadmin 1 <b>1/17/98</b>	lrb-docadmin 1 <b>1/20/98</b>	
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LRB-0680

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'May Contact:	Ah. Drafters:		
Subject: Trade Regulation	Extra Copies:		

#### **Topic:**

Telephone solicitations by prisoners

#### **Instructions:**

See Attached

#### **Drafting History:** Submitted Reviewed <u>Typed</u> **Resuired** Vers. Drafted Proofed Jacketed S&L gilfokm 1**1/16/98** /? rkite 11/13/98 lrb\_docadmin /1 ismith \_\_\_\_\_ 11/17/98 11/17/98

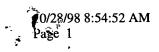
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This file may	Drafter: rkite		
May Contact:		Alt. Drafters:	
Subject:	Trade Regulation	Extra Copies:	

#### Topic:

Telephone solicitations by prisoners

#### **Instructions:**

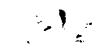
See Attached

#### **Drafting History:**

Vers.	Drafted	<u>Reviewed</u>	<u>Typed</u> IS	Proofed IS/JF	Submitted	Jacketed	Reauired
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SEMBLY BILL 885

1998 - Introduced by Representatives SCHNEIDER, OTTE, RYBA, March ZIEGELBAUER, PORTER, HASENOHRL, DUEHOLM, GRONEMUS, HAHN and PLOUFF, cosponsored by Senator PLACHE. Referred to Committee on Judiciary.

- 1 AN ACT to create 134.73 of the statutes; relating to: regulating telephone
  - solicitation by prisoners and providing a penalty.

#### Analysis by the Legislative Reference Bureau

This bill prohibits a prisoner in a correctional facility from conducting a telephone solicitation unless the prisoner immediately identifies himself or herself as a prisoner, states his or her name and the name and location of his or her correctional facility and states the name of the person on whose behalf he or she is conducting the telephone solicitation.

A telephone solicitor who violates the disclosure requirements must forfeit \$10,000 for each violation. The department of justice is authorized to enforce these disclosure requirements.

For further information *see* the *state and local* 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:

3 **SECTION 1.** 134.73 of the statutes is created to read:

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- **134.73 Telephone solicitation by prisoners. (1) DEFINITIONS.** In this
- 5 section:

1997 - 1998 Legislature

**ASSEMBLY BILL 885** 

(a) "Correctional facility" means a facility in which a person is incarcerated to serve a sentence imposed for conviction of a crime.

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(b) "Telephone solicitation" has the meaning given in s. 134.72 (1) (c).

4 (2) PROHIBITIONS. No prisoner in a correctional facility may conduct a telephone
5 solicitation unless the prisoner immediately identifies himself or herself as a
6 prisoner, states his or her name and the name and location of his or her correctional
7 facility and states the name of the person on whose behalf he or she is conducting the
8 telephone solicitation.

9 (3) TERRITORIAL APPLICATION. This section applies to an intrastate telephone
 solicitation and to an interstate telephone solicitation directed to or received by a
 person in this state.

12 (4) PENALTY ENFORCEMENT. (a) A person who violates sub. (2) shall forfeit
13 \$10,000 for each violation.

(b) The attorney general and the district attorneys of this state have concurrentauthority to institute civil proceedings under this section.

(c) 1. In addition to or in lieu of seeking the penalty under par. (a), the attorney
general or a district attorney may institute injunctive proceedings to enforce sub. (2).
2. A person who violates the terms of an injunction issued under subd. 1. shall
forfeit \$10,000 for each violation.

20

(END)



# SUBMITTAL FORM

# LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 11/17/98

To: Representative Schneider

Relating to LRB drafting number: LRB-0680

#### <u>Topic</u>

Telephone solicitations by prisoners

#### Subject(s)

Trade Regulation

1. **JACKET** the draft for introduction

MAY

in the **Senate** <u>or the</u> **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. REDRAFT. See the changes indicated or attached \_\_\_\_\_\_

A revised draft will be submitted for your approval with changes incorporated.

#### 3. Obtain FISCAL ESTIMATE NOW, prior to introduction

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robin N. Kite, Legislative Attorney Telephone: (608) 266-729 1