

1999 DRAFTING REQUEST

Bill

Received: 10/28/98

Received By: rkite

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: rkite

May Contact:

Alt. Drafters:

Subject: Trade Regulation

Extra Copies:

Topic:

Telephone solicitations by prisoners

Instructions:

See Attached

Drafting History:

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

FE Sent For:

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<END>



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FE Sent For:

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0680/1
LRB-4245/2
~~MJL:kmg:ijs~~
RNK:kmg:
RM not run

1997 ASSEMBLY BILL 885

March 5, 1998 - Introduced by Representatives SCHNEIDER, OTTE, RYBA, 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
2 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:

4 **134.73 Telephone solicitation by prisoners. (1) DEFINITIONS.** In this
5 section:

ASSEMBLY BILL 885

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

3 (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
10 solicitation and to an interstate telephone solicitation directed to or received by a
11 person in this state.

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

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

16 (c) 1. In addition to or in lieu of seeking the penalty under par. (a), the attorney
17 general or a district attorney may institute injunctive proceedings to enforce sub. (2).

18 2. A person who violates the terms of an injunction issued under subd. 1. shall
19 forfeit \$10,000 for each violation.

20**(END)**

10

**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

Topic

Telephone solicitations by prisoners

Subject(s)

Trade Regulation

1. **JACKET** the draft for introduction

MDJ

in the **Senate** or **the 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) 266-7291