

1999 ASSEMBLY BILL 176

March 8, 1999 – Introduced by Representatives WALKER, LADWIG, F. LASEE, SUDER, STONE, AINSWORTH, OWENS, PETTIS, VRAKAS, HUEBSCH, DUFF, KEDZIE, ALBERS and JESKEWITZ, cosponsored by Senators DARLING and HUELSMAN. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to renumber and amend* 252.14 (1) (ad) and 252.15 (1) (ad); *to amend*
2 16.385 (7), 16.51 (7), 16.84 (2), 19.32 (1e), 19.35 (1) (am) 2. c., 20.410 (1) (c),
3 20.410 (3) (c), 20.410 (9) (c), 20.435 (2) (gk), 20.917 (5) (a) (intro.), 29.199, 38.04
4 (12), 38.24 (1m) (d), 40.02 (48) (c), 46.056 (1), 46.10 (2m), 46.22 (1) (c) 2., 48.366
5 (8), 48.78 (2) (d) 3., 49.32 (7) (d), 49.84 (1), 50.39 (3), 51.20 (1) (ar) (intro.), 51.20
6 (7) (b), 51.20 (7) (c), 51.20 (11) (a), 51.20 (13) (a) 3., 51.20 (13) (a) 4., 51.20 (19)
7 (b) 1., 51.30 (4) (b) 10. (intro.), 51.30 (4) (b) 10. c., 51.30 (4) (b) 10. d., 51.35 (3)
8 (a), 51.35 (3) (c), 51.35 (3) (e), 51.35 (3) (g), 51.37 (5) (a), 51.37 (8) (b), 51.37 (10)
9 (e), 51.37 (11), 51.40 (1) (j), 51.42 (3) (as) 1., 51.45 (15) (b), 51.61 (1) (intro.), 51.61
10 (1) (b) 3., 51.75 (9) (a), 59.24, 59.52 (16) (a), 59.53 (16) (a), 66.04 (1), 71.54 (2) (c)
11 2., 71.64 (8) (c), 77.996 (2) (f), 84.27, 101.12 (5) (a) 2. b., 101.123 (1) (dm), 102.475
12 (8) (a), 106.215 (8g) (b), 108.02 (15) (g) 3., 108.07 (8) (b), 115.31 (1) (b), 115.76
13 (10), 115.762 (4), 115.787 (6), 115.81 (1) (b), 118.125 (4), 118.16 (4) (cm) 1., 120.18
14 (1) (a) (intro.), 121.79 (1) (b), 132.13 (1) (a), 139.40 (2), 157.02 (1), 165.755 (6),

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1 165.84 (4), 165.84 (5), 165.84 (6), 230.36 (1), 230.36 (3) (c) (intro.), 250.04 (10),
2 252.02 (4), 252.02 (5), 252.06 (6) (b), 252.08 (4) (a), 292.65 (1) (d) 6., 301.03 (2r),
3 301.03 (9), 301.046 (1), 301.048 (4) (b), 301.08 (1) (b) 1., 301.12 (2m), 301.13,
4 301.14, 301.15, 301.16 (1r), 301.16 (1x), 301.21 (title), 301.21 (1m) (b), 301.26
5 (4) (cm) 1., 301.26 (4) (cm) 2., 301.28 (1), 301.29 (2), 301.29 (3), 301.32 (1), 301.33
6 (1), 301.36 (1), 301.36 (2) (title), 301.38 (2) (intro.), 302.01, 302.02 (title), 302.02
7 (3t), 302.02 (5) (a), 302.02 (5) (b), 302.04 (title), 302.05 (1) (intro.), 302.06,
8 302.07, 302.08, 302.095 (2), 302.13, 302.15, 302.17 (1), 302.18 (2), 302.18 (4),
9 302.18 (5), 302.255, 302.26, 302.27, 302.31, 302.33 (1), 302.385, 302.386 (1),
10 302.386 (2) (intro.), 302.386 (3) (a), 302.45 (1), 303.06 (1), 303.06 (5), 303.065 (1)
11 (a), 303.065 (3), 303.07 (3), 303.19 (4), 303.21 (1) (a), 304.06 (1) (b), 304.071 (1),
12 304.115, 447.06 (2) (a) 4., 782.03, 782.45 (title), 782.45 (1), 782.45 (2), 801.02 (7)
13 (a) 1., 813.02 (1) (c) 1., 938.183 (3), 938.78 (2) (d) 3., 938.992 (3), 939.62 (3) (b),
14 940.20 (1), 940.29, 941.237 (1) (b), 946.43, 946.44 (2) (c), 946.45 (2) (c), 946.47
15 (2) (b), 946.73, 948.50 (4) (a), 950.04 (1v) (v), 961.48 (2), 968.255 (7) (a), 971.11
16 (1), 971.11 (2), 973.013 (3m), 973.0135 (2) (intro.), 973.03 (2), 973.045 (4),
17 973.046 (4), 973.08 (1), 973.18 (4) and 976.08; **to repeal and recreate** 51.35
18 (3) (c), 51.35 (3) (e) and 302.095 (2); and **to create** 252.14 (1) (ad) 2., 252.15 (1)
19 (ad) 2., 301.01 (2g), 301.21 (1m) (title), 301.21 (2m) (title), 301.21 (3), 301.21 (6)
20 (title), 302.28, 961.01 (12m) (am), 990.01 (5w) and 990.01 (30g) of the statutes;
21 **relating to:** authorizing the department of corrections to contract with private

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1 persons for the confinement of Wisconsin prison inmates in private prisons in
2 this state.

Analysis by the Legislative Reference Bureau

Under current law, the department of corrections (DOC) may contract with a private person for the transfer and confinement in another state of prisoners who have been committed to the custody of DOC. This bill provides that DOC may also contract with a private person for the transfer and confinement in this state of prisoners who have been committed to the custody of DOC.

Under the bill, current laws governing prisoners confined in a state prison will generally apply to prisoners confined in this state under a contract with a private person. For instance, a prisoner who escapes from the custody of a private person may be prosecuted for the same crime as a prisoner who escapes from a state prison, and, as in the case of a prisoner who escapes from state prison, DOC will have to notify victims of the escapee's crime that the prisoner has escaped from the custody of the private person. The bill also requires a contract between DOC and a private person to provide for prisoners confined by the private person to receive the same reasonable and humane care as prisoners in a comparable state prison. A contract also must allow for investigation and inspection by DOC of any institution in which prisoners are confined.

Finally, the bill provides that a private person who is operating a private prison in this state may confine in that prison only prisoners transferred to the prison under a contract with DOC. Thus, a private prison operating in this state may not be used to confine prisoners from other jurisdictions.

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:

3 **SECTION 1.** 16.385 (7) of the statutes is amended to read:

4 16.385 (7) INDIVIDUALS IN STATE PRISONS. No payment under sub. (6) may be
5 made to a prisoner who is imprisoned in a state prison ~~under s. 302.01~~ or to a person
6 placed at a secured correctional facility, as defined in s. 938.02 (15m), or a secured
7 child caring institution, as defined in s. 938.02 (15g).

8 **SECTION 2.** 16.51 (7) of the statutes is amended to read:

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1 **16.51 (7)** AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND
2 JUVENILES IN SECURED CORRECTIONAL FACILITIES. Receive, examine, determine and
3 audit claims, duly certified and approved by the department of corrections, from the
4 county clerk of any county in behalf of the county, which are presented for payment
5 to reimburse the county for certain expenses incurred or paid by it in reference to all
6 matters growing out of actions and proceedings involving prisoners in state prisons,
7 ~~as defined in s. 302.01,~~ or juveniles in secured correctional facilities, as defined in s.
8 938.02 (15m), including prisoners or juveniles transferred to a mental health
9 institute for observation or treatment, when the proceedings are commenced in
10 counties in which the prisons or secured correctional facilities are located by a
11 district attorney or by the prisoner or juvenile as a postconviction remedy or a matter
12 involving the prisoner's status as a prisoner or the juvenile's status as a resident of
13 a secured correctional facility and for certain expenses incurred or paid by it in
14 reference to holding those juveniles in secure custody while those actions or
15 proceedings are pending. Expenses shall only include the amounts that were
16 necessarily incurred and actually paid and shall be no more than the legitimate cost
17 would be to any other county had the offense or crime occurred therein.

18 **SECTION 3.** 16.84 (2) of the statutes is amended to read:

19 **16.84 (2)** Appoint such number of police officers as is necessary to safeguard
20 all public property placed by law in the department's charge, and provide, by
21 agreement with any other state agency, police and security services at buildings and
22 facilities owned, controlled or occupied by the other state agency. The governor or
23 the department may, to the extent it is necessary, authorize police officers employed
24 by the department to safeguard state officers, state employes or other persons. A
25 police officer who is employed by the department and who is performing duties that

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1 are within the scope of his or her employment as a police officer has the powers of a
2 peace officer under s. ~~59.24~~ 59.28, except that the officer has the arrest powers of a
3 law enforcement officer under s. 968.07 regardless of whether the violation is
4 punishable by forfeiture or criminal penalty. The officer may exercise the powers of
5 a peace officer and the arrest powers of a law enforcement officer while located
6 anywhere within this state. Nothing in this subsection limits or impairs the duty of
7 the chief and each police officer of the police force of the municipality in which the
8 property is located to arrest and take before the proper court or magistrate persons
9 found in a state of intoxication or engaged in any disturbance of the peace or violating
10 any state law in the municipality in which the property is located, as required by s.
11 62.09 (13).

12 **SECTION 4.** 19.32 (1e) of the statutes is amended to read:

13 19.32 (1e) “Penal facility” means a state prison ~~under s. 302.01~~, county jail,
14 county house of correction or other ~~state, county or municipal~~ correctional institution
15 or detention facility operated by the state, by a private person under contract with
16 the state or by a county or municipality.

17 **SECTION 5.** 19.35 (1) (am) 2. c. of the statutes is amended to read:

18 19.35 (1) (am) 2. c. Endanger the security of any ~~state correctional institution,~~
19 ~~as defined in s. 301.01 (4)~~ prison, jail, as defined in s. 165.85 (2) (bg), secured
20 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,
21 as defined in s. 938.02 (15g), mental health institute, as defined in s. 51.01 (12),
22 center for the developmentally disabled, as defined in s. 51.01 (3), or the population
23 or staff of any of these institutions, facilities or jails.

24 **SECTION 6.** 20.410 (1) (c) of the statutes is amended to read:

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1 20.410 (1) (c) *Reimbursement claims of counties containing state prisons.* A
2 sum sufficient to pay all valid claims made by county clerks of counties containing
3 state prisons as provided in s. 16.51 (7).

4 **SECTION 7.** 20.410 (3) (c) of the statutes is amended to read:

5 20.410 (3) (c) *Reimbursement claims of counties containing secured*
6 *correctional facilities.* The amounts in the schedule to pay all valid claims made by
7 county clerks of counties containing state juvenile secured correctional ~~institutions~~
8 facilities as provided in s. 16.51 (7).

9 **SECTION 8.** 20.410 (9) (c) of the statutes is amended to read:

10 20.410 (9) (c) *Witness fees of inmates.* The money received in reimbursement
11 of expenses incurred in taking inmates of state ~~institutions~~ into court under s. 51.20
12 (18) or 782.45 shall be refunded to the appropriations made by sub. (1) (a) for
13 operation of the institutions.

14 **SECTION 9.** 20.435 (2) (gk) of the statutes is amended to read:

15 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
16 schedule for care provided by the centers for the developmentally disabled to
17 reimburse the cost of providing the services and to remit any credit balances to
18 county departments that occur on and after July 1, 1978, in accordance with s. 51.437
19 (4rm) (c); for care provided by the mental health institutes, to reimburse the cost of
20 providing the services and to remit any credit balances to county departments that
21 occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for
22 maintenance of state-owned housing at centers for the developmentally disabled
23 and mental health institutes; for repair or replacement of property damaged at the
24 mental health institutes or at centers for the developmentally disabled; and for
25 reimbursing the total cost of using, producing and providing services, products and

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1 care. All moneys received as payments from medical assistance on and after August
2 1, 1978; as payments from all other sources including other payments under s. 46.10
3 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical
4 assistance payments, other payments under s. 46.10 and payments under s. 51.42
5 (3) (as) 2. received on and after January 1, 1979; as payments under s. 51.07 (4); as
6 payments for the rental of state-owned housing and other institutional facilities at
7 centers for the developmentally disabled and mental health institutes; for the sale
8 of electricity, steam or chilled water; as payments in restitution of property damaged
9 at the mental health institutes or at centers for the developmentally disabled; for the
10 sale of surplus property, including vehicles, at the mental health institutes or at
11 centers for the developmentally disabled; and for other services, products and care
12 shall be credited to this appropriation, except that any payment under s. 46.10
13 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20
14 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9)
15 (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed
16 under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of
17 patients transferred from a state prison under s. 51.37 (5), to Mendota mental health
18 institute or Winnebago mental health institute shall be treated as general purpose
19 revenue — earned, as defined under s. 20.001 (4).

20 **SECTION 10.** 20.917 (5) (a) (intro.) of the statutes is amended to read:

21 20.917 (5) (a) (intro.) To encourage affirmative action, as defined in s. 230.03
22 (2), at the ~~correctional facilities~~ state prisons under s. 302.01, the department of
23 corrections may, from the appropriation under s. 20.410 (1) (a), reimburse an
24 employe for any of the following expenses incurred during the first 30 days of

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1 employment or the first 30 days following successful completion of a preservice
2 training program:

3 **SECTION 11.** 29.199 of the statutes is amended to read:

4 **29.199 Authorizations for certain patients and institutionalized**
5 **persons to fish.** ~~The~~ Upon request of the superintendent of the hospital, prison or
6 institution, the department shall issue an authorization without charge to a county
7 hospital, a state or federal mental hospital, ~~state correctional institution~~ a prison or
8 a nonprofit institution located in this state for rehabilitation purposes ~~upon request~~
9 ~~of the superintendent of the institution.~~ The authorization permits a resident of the
10 hospital, prison or institution who is supervised by an employe of the hospital, prison
11 or institution to fish for fish subject to all other provisions of law.

12 **SECTION 12.** 38.04 (12) of the statutes is amended to read:

13 **38.04 (12) PRISON INMATE EDUCATIONAL PROGRAM.** The board may establish
14 vocational educational programs for prison inmates ~~within the state correctional~~
15 ~~system~~ and contract with the departments of corrections and health and family
16 services for reimbursement of that portion of the district program costs which
17 exceeds amounts received as state and federal aid.

18 **SECTION 13.** 38.24 (1m) (d) of the statutes is amended to read:

19 **38.24 (1m) (d) Programs for inmates.** Uniform fees, for vocational programs
20 or courses offered to state prison inmates at a district facility by the department of
21 corrections or the department of health and family services in cooperation with a
22 district board, equal to the fees established under par. (b).

23 **SECTION 14.** 40.02 (48) (c) of the statutes is amended to read:

24 **40.02 (48) (c)** In s. 40.65, “protective occupation participant” means a
25 participating employe who is a police officer, fire fighter, an individual determined

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1 by a participating employer under par. (a) or (bm) to be a protective occupation
2 participant, county undersheriff, deputy sheriff, state probation and parole officer,
3 county traffic police officer, conservation warden, state forest ranger, field
4 conservation employe of the department of natural resources who is subject to call
5 for forest fire control or warden duty, member of the state traffic patrol, state motor
6 vehicle inspector, university of Wisconsin system full-time police officer, guard or
7 any other employe whose principal duties are supervision and discipline of inmates
8 at a state ~~penal~~ correctional institution, excise tax investigator employed by the
9 department of revenue, person employed under s. 61.66 (1), or special criminal
10 investigation agent employed by the department of justice.

11 **SECTION 15.** 46.056 (1) of the statutes is amended to read:

12 46.056 (1) The department shall establish the Wisconsin resource center on the
13 grounds of the Winnebago mental health institute near Oshkosh. Notwithstanding
14 s. 301.03, the department shall have responsibility for administering the center as
15 a correctional institution that provides psychological evaluations, specialized
16 learning programs, training and supervision for inmates whose behavior presents
17 a serious problem to themselves or others in ~~state prisons~~ the correctional institution
18 in which they have been detained and whose mental health needs can be met at the
19 center.

20 **SECTION 16.** 46.10 (2m) of the statutes is amended to read:

21 46.10 (2m) The liability specified in sub. (2) shall not apply to tuberculosis
22 patients receiving care, maintenance, services and supplies under ss. 58.06 and
23 252.07 to 252.10, to persons 18 and older receiving care, maintenance, services and
24 supplies provided by ~~prisons named in s. 302.01~~ a prison or to parents of a minor who

1 receives care for alcohol or drug abuse under s. 51.47 (1) without consent of the
2 minor's parent or guardian.

3 **SECTION 17.** 46.22 (1) (c) 2. of the statutes is amended to read:

4 46.22 (1) (c) 2. Subdivision 1. does not authorize the county department of
5 social services to make investigations regarding admission to or release from the
6 Waupun correctional institution, the Columbia correctional institution, the Racine
7 correctional institution, the Racine Youthful Offender Correctional Facility, the
8 correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), the
9 correctional institution authorized under s. 301.046 (1), the correctional institution
10 authorized under s. 301.048 (4) (b), the correctional institution authorized under s.
11 301.16 (1n), the Oshkosh correctional institution, the Green Bay correctional
12 institution, the Dodge correctional institution, the Taycheedah correctional
13 institution, a private prison operating under a contract under s. 301.21 (3), county
14 houses of correction, jails, detention homes or reforestation camps.

15 **SECTION 18.** 48.366 (8) of the statutes is amended to read:

16 48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections
17 may transfer a person subject to an order between secured correctional facilities.
18 After the person attains the age of 17 years, the department of corrections may place
19 the person in a state prison ~~named in s. 302.01~~. If the person is 15 years of age or
20 over, the department of corrections may transfer the person to the Racine youthful
21 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). If
22 the department of corrections places a person subject to an order under this section
23 in a state prison, that department shall provide services for that person from the
24 appropriate appropriation under s. 20.410 (1). The department of corrections may
25 transfer a person placed in a state prison under this subsection to or between state

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1 prisons ~~named in s. 302.01~~ as provided under s. 302.18 (1) without petitioning for
2 revision of the order under sub. (5) (a).

3 **SECTION 19.** 48.78 (2) (d) 3. of the statutes is amended to read:

4 48.78 **(2)** (d) 3. Subject to an order under s. 48.366 and placed in a state prison
5 under s. 48.366 (8).

6 **SECTION 20.** 49.32 (7) (d) of the statutes is amended to read:

7 49.32 **(7)** (d) The department, with assistance from the department of
8 corrections, shall conduct a program to periodically match the records of persons in
9 the custody of the department of corrections who are confined in state correctional
10 facilities a prison with the records of recipients of medical assistance under s. 49.46,
11 49.468 or 49.47, aid to families with dependent children under s. 49.19 and the food
12 stamp program under 7 USC 2011 to 2029 to identify recipients who may be ineligible
13 for benefits.

14 **SECTION 21.** 49.84 (1) of the statutes is amended to read:

15 49.84 **(1)** Any person who applies for any public assistance shall execute the
16 application or self-declaration in the presence of the welfare worker or other person
17 processing the application. This subsection does not apply to any superintendent of
18 a mental health institute, director of a center for the developmentally disabled,
19 superintendent of a state treatment facility or superintendent of a state correctional
20 facility institution who applies for public assistance on behalf of a patient.

21 **SECTION 22.** 50.39 (3) of the statutes is amended to read:

22 50.39 **(3)** Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
23 58.06, 252.073, 252.076 and 252.10, secured correctional facilities as defined in s.
24 938.02 (15m), correctional institutions governed by the department of corrections
25 under s. 301.02, private prisons operating under a contract under s. 301.21 (3) and

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1 the offices and clinics of persons licensed to treat the sick under chs. 446, 447 and 448
2 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights
3 of the medical examining board, physical therapists affiliated credentialing board,
4 podiatrists affiliated credentialing board, dentistry examining board, pharmacy
5 examining board, chiropractic examining board and board of nursing in carrying out
6 their statutory duties and responsibilities.

7 **SECTION 23.** 51.20 (1) (ar) (intro.) of the statutes is amended to read:

8 51.20 (1) (ar) (intro.) If the individual is an inmate of a state prison, the petition
9 may allege that the inmate is mentally ill, is a proper subject for treatment and is
10 in need of treatment. The petition shall allege that appropriate less restrictive forms
11 of treatment have been attempted with the individual and have been unsuccessful
12 and it shall include a description of the less restrictive forms of treatment that were
13 attempted. The petition shall also allege that the individual has been fully informed
14 about his or her treatment needs, the mental health services available to him or her
15 and his or her rights under this chapter and that the individual has had an
16 opportunity to discuss his or her needs, the services available to him or her and his
17 or her rights with a licensed physician or a licensed psychologist. The petition shall
18 include the inmate's sentence and his or her expected date of release as determined
19 under s. 302.11 or 302.113, whichever is applicable. The petition shall have attached
20 to it a signed statement by a licensed physician or a licensed psychologist of a state
21 prison and a signed statement by a licensed physician or a licensed psychologist of
22 a state treatment facility attesting either of the following:

23 **SECTION 24.** 51.20 (7) (b) of the statutes is amended to read:

24 51.20 (7) (b) If the subject individual is not detained or is an inmate of a state
25 prison, county jail or house of correction, the court shall hold a hearing within a

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1 reasonable time of the filing of the petition, to determine whether there is probable
2 cause to believe the allegations made under sub. (1).

3 **SECTION 25.** 51.20 (7) (c) of the statutes is amended to read:

4 51.20 (7) (c) If the court determines that there is probable cause to believe the
5 allegations made under sub. (1), it shall schedule the matter for a hearing within 14
6 days from the time of detention of the subject individual, except as provided in sub.
7 (8) (bg) or (bm) or (11) (a). If a postponement has been granted under par. (a), the
8 matter shall be scheduled for hearing within 21 days from the time of detention of
9 the subject individual. If the subject individual is not detained under s. 51.15 or this
10 section or is an inmate of a state prison, county jail or house of correction, the hearing
11 shall be scheduled within 30 days of the hearing to determine probable cause for
12 commitment. In the event that the subject individual fails to appear for the hearing
13 to determine probable cause for commitment, the court may issue an order for the
14 subject individual's detention and shall hold the hearing to determine probable cause
15 for commitment within 48 hours, exclusive of Saturdays, Sundays and legal
16 holidays, from the time that the individual is detained.

17 **SECTION 26.** 51.20 (11) (a) of the statutes is amended to read:

18 51.20 (11) (a) If before involuntary commitment a jury is demanded by the
19 individual against whom a petition has been filed under sub. (1) or by the individual's
20 counsel if the individual does not object, the court shall direct that a jury of 6 people
21 be selected to determine if the allegations specified in sub. (1) (a), (ar) or (av) are true.
22 A jury trial is deemed waived unless demanded at least 48 hours in advance of the
23 time set for final hearing, if notice of that time has been previously provided to the
24 subject individual or his or her counsel. If a jury trial demand is filed within 5 days
25 of detention, the final hearing shall be held within 14 days of detention. If a jury trial

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1 demand is filed later than 5 days after detention, the final hearing shall be held
2 within 14 days of the date of demand. If an inmate of a state prison, county jail or
3 house of correction demands a jury trial within 5 days after the probable cause
4 hearing, the final hearing shall be held within 28 days of the probable cause hearing.
5 If an inmate of a state prison, county jail or house of correction demands a jury trial
6 later than 5 days after the probable cause hearing, the final hearing shall be held
7 within 28 days of the date of demand.

8 **SECTION 27.** 51.20 (13) (a) 3. of the statutes is amended to read:

9 51.20 (13) (a) 3. If the individual is not an inmate of a state prison, county jail
10 or house of correction and the allegations specified in sub. (1) (a) are proven, order
11 commitment to the care and custody of the appropriate county department under s.
12 51.42 or 51.437, or if inpatient care is not required order commitment to outpatient
13 treatment under care of such county department; or

14 **SECTION 28.** 51.20 (13) (a) 4. of the statutes is amended to read:

15 51.20 (13) (a) 4. If the individual is an inmate of a state prison and the
16 allegations under sub. (1) (a) or (ar) are proven, order commitment to the department
17 and either authorize the transfer of the inmate to a state treatment facility or if
18 inpatient care is not needed authorize treatment on an outpatient basis in the prison;
19 or

20 **SECTION 29.** 51.20 (19) (b) 1. of the statutes is amended to read:

21 51.20 (19) (b) 1. Establishing standards for the use of psychotropic drugs on
22 prisoners in a state prison and inmates committed under sub. (1) (ar).

23 **SECTION 30.** 51.30 (4) (b) 10. (intro.) of the statutes is amended to read:

24 51.30 (4) (b) 10. (intro.) To a correctional facility or to a probation, extended
25 supervision and parole agent who is responsible for the supervision of an individual

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1 who is receiving inpatient or outpatient evaluation or treatment under this chapter
2 in a program that is operated by, or is under contract with, the department or a
3 county department under s. 51.42 or 51.437, or in a treatment facility, as a condition
4 of the probation, extended supervision and parole supervision plan, or whenever
5 such an individual is transferred from a ~~state or local~~ correctional facility institution
6 to such a treatment program and is then transferred back to the correctional ~~facility~~
7 institution. Every probationer, parolee or person on extended supervision who
8 receives evaluation or treatment under this chapter shall be notified of the
9 provisions of this subdivision by the individual's probation, extended supervision
10 and parole agent. Release of records under this subdivision is limited to:

11 **SECTION 31.** 51.30 (4) (b) 10. c. of the statutes is amended to read:

12 51.30 (4) (b) 10. c. When an individual is transferred from a treatment facility
13 back to a correctional ~~facility~~ institution, the information provided under subd. 10.
14 d.

15 **SECTION 32.** 51.30 (4) (b) 10. d. of the statutes is amended to read:

16 51.30 (4) (b) 10. d. Any information necessary to establish, or to implement
17 changes in, the individual's treatment plan or the level and kind of supervision on
18 probation, extended supervision or parole, as determined by the director of the
19 facility or the treatment director. In cases involving a person transferred back to a
20 correctional ~~facility~~ institution, disclosure shall be made to clinical staff only. In
21 cases involving a person on probation, extended supervision or parole, disclosure
22 shall be made to a probation, extended supervision and parole agent only. The
23 department shall promulgate rules governing the release of records under this
24 subdivision.

25 **SECTION 33.** 51.35 (3) (a) of the statutes is amended to read:

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1 51.35 (3) (a) A licensed psychologist of a juvenile correctional facility
2 institution or a secured child caring institution, as defined in s. 938.02 (15g), or a
3 licensed physician of the department of corrections, who has reason to believe that
4 any individual confined in the ~~facility~~ or institution is, in his or her opinion, in need
5 of services for developmental disability, alcoholism or drug dependency or in need of
6 psychiatric services, and who has obtained voluntary consent to make a transfer for
7 treatment, shall make a report, in writing, to the superintendent of the ~~facility~~ or
8 institution, stating the nature and basis of the belief and verifying the consent. In
9 the case of a minor age 14 and over, the minor and the minor's parent or guardian
10 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of
11 a minor under the age of 14, only the minor's parent or guardian need consent. The
12 superintendent shall inform, orally and in writing, the minor and the minor's parent
13 or guardian, that transfer is being considered and shall inform them of the basis for
14 the request and their rights as provided in s. 51.13 (3). If the department of
15 corrections, upon review of a request for transfer, determines that transfer is
16 appropriate, that department shall immediately notify the department of health and
17 family services and, if the department of health and family services consents, the
18 department of corrections may immediately transfer the individual. The
19 department of corrections shall file a petition under s. 51.13 (4) (a) in the court
20 assigned to exercise jurisdiction under chs. 48 and 938 of the county where the
21 treatment facility is located.

22 **SECTION 34.** 51.35 (3) (c) of the statutes is amended to read:

23 51.35 (3) (c) A licensed psychologist of a juvenile correctional ~~facility~~ institution
24 or a secured child caring institution, as defined in s. 938.02 (15g), or a licensed
25 physician of the department, who has reason to believe that any individual confined

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1 in the ~~facility or~~ institution, in his or her opinion, is mentally ill, drug dependent or
2 developmentally disabled and is dangerous as described in s. 51.20 (1) (a) 2. a., b.,
3 c. or d., is mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a)
4 2. e. or is an alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall
5 file a written report with the superintendent of the ~~facility or~~ institution, stating the
6 nature and basis of the belief. If the superintendent, upon review of the allegations
7 in the report, determines that transfer is appropriate, he or she shall file a petition
8 according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under chs.
9 48 and 938 of the county where the correctional ~~facility~~ institution or secured child
10 caring institution is located. The court shall hold a hearing according to procedures
11 provided in s. 51.20 or 51.45 (13).

12 **SECTION 35.** 51.35 (3) (c) of the statutes, as affected by 1995 Wisconsin Acts 292
13 and 1999 Wisconsin Act (this act), is repealed and recreated to read:

14 51.35 (3) (c) A licensed psychologist of a juvenile correctional institution or a
15 licensed physician of the department of corrections, who has reason to believe that
16 any individual confined in the institution, in his or her opinion, is mentally ill, drug
17 dependent or developmentally disabled and is dangerous as described in s. 51.20 (1)
18 (a) 2., or is an alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2.,
19 shall file a written report with the superintendent of the institution, stating the
20 nature and basis of the belief. If the superintendent, upon review of the allegations
21 in the report, determines that transfer is appropriate, he or she shall file a petition
22 according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under ch.
23 48 of the county where the correctional institution is located. The court shall hold
24 a hearing according to procedures provided in s. 51.20 or 51.45 (13).

25 **SECTION 36.** 51.35 (3) (e) of the statutes is amended to read:

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1 51.35 (3) (e) The department of corrections may authorize emergency transfer
2 of an individual from a juvenile correctional facility institution or a secured child
3 caring institution, as defined in s. 938.02 (15g), to a state treatment facility if there
4 is cause to believe that the individual is mentally ill, drug dependent or
5 developmentally disabled and exhibits conduct which constitutes a danger as
6 described under s. 51.20 (1) (a) 2. a., b., c. or d. to the individual or to others, is
7 mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a) 2. e. or is
8 an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The custodian
9 of the sending ~~facility~~ or institution shall execute a statement of emergency
10 detention or petition for emergency commitment for the individual and deliver it to
11 the receiving state treatment facility. The department of health and family services
12 shall file the statement or petition with the court within 24 hours after the subject
13 individual is received for detention or commitment. The statement or petition shall
14 conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made,
15 the director of the receiving facility may file a petition for continued commitment
16 under s. 51.20 (1) or 51.45 (13) or may return the individual to the ~~facility~~ or
17 institution from which the transfer was made. As an alternative to this procedure,
18 the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no prisoner
19 may be released without the approval of the court which directed confinement in the
20 correctional facility institution or secured child caring institution.

21 **SECTION 37.** 51.35 (3) (e) of the statutes, as affected by 1995 Wisconsin Acts 292
22 and 1999 Wisconsin Act (this act), is repealed and recreated to read:

23 51.35 (3) (e) The department may authorize emergency transfer of an
24 individual from a juvenile correctional institution to a state treatment facility if
25 there is cause to believe that the individual is mentally ill, drug dependent or

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1 developmentally disabled and exhibits conduct which constitutes a danger as
2 described under s. 51.20 (1) (a) 2. to the individual or to others, or is an alcoholic and
3 is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The correctional custodian of
4 the sending institution shall execute a statement of emergency detention or petition
5 for emergency commitment for the individual and deliver it to the receiving state
6 treatment facility. The department shall file the statement or petition with the court
7 within 24 hours after the subject individual is received for detention or commitment.
8 The statement or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After
9 an emergency transfer is made, the director of the receiving facility may file a
10 petition for continued commitment under s. 51.20 (1) or 51.45 (13) or may return the
11 individual to the institution from which the transfer was made. As an alternative
12 to this procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used, except
13 that no prisoner may be released without the approval of the court which directed
14 confinement in the correctional institution.

15 **SECTION 38.** 51.35 (3) (g) of the statutes is amended to read:

16 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment
17 facility under par. (a) may request in writing a return to the juvenile correctional
18 facility institution or secured child caring institution, as defined in s. 938.02 (15g).
19 In the case of a minor under 14 years of age, the parent or guardian may make the
20 request. Upon receipt of a request for return from a minor 14 years of age or over,
21 the director shall immediately notify the minor's parent or guardian. The minor
22 shall be returned to the juvenile correctional facility institution or secured child
23 caring institution within 48 hours after submission of the request unless a petition
24 or statement is filed for emergency detention, emergency commitment, involuntary
25 commitment or protective placement.

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1 **SECTION 39.** 51.37 (5) (a) of the statutes is amended to read:

2 51.37 **(5)** (a) When a licensed physician or licensed psychologist of a state
3 prison, of a county jail or of the department of corrections reports in writing to the
4 officer in charge of a jail or institution that any prisoner is, in his or her opinion,
5 mentally ill, drug dependent, or developmentally disabled and is appropriate for
6 treatment as described in s. 51.20 (1), or is an alcoholic and is dangerous as described
7 in s. 51.45 (13) (a) 1. and 2.; or that the prisoner is mentally ill, drug dependent,
8 developmentally disabled or is an alcoholic and is in need of psychiatric or
9 psychological treatment, and that the prisoner voluntarily consents to a transfer for
10 treatment, the officer shall make a written report to the department of corrections
11 which may transfer the prisoner if a voluntary application is made and the
12 department of health and family services consents. If voluntary application is not
13 made, the department of corrections may file a petition for involuntary commitment
14 under s. 51.20 (1) or 51.45 (13). Any time spent by a prisoner in an institution
15 designated under sub. (3) or s. 51.37 (2), 1983 stats., shall be included as part of the
16 individual's sentence.

17 **SECTION 40.** 51.37 (8) (b) of the statutes is amended to read:

18 51.37 **(8)** (b) If the condition of any prisoner or inmate committed or transferred
19 under this section requires psychiatric or psychological treatment after his or her
20 date of release as determined under s. 302.11 or 302.113, whichever is applicable, the
21 director of the state treatment facility shall, within a reasonable time before the
22 release date of the prisoner or inmate, make a written application to the court which
23 committed the prisoner or inmate under sub. (5) (a). Thereupon, the proceeding shall
24 be upon application made under s. 51.20, but no physician or psychologist who is
25 connected with a state prison, Winnebago or Mendota mental health institute or any

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1 county jail or house of correction may be appointed as an examiner. If the court does
2 not commit the prisoner or inmate, it may dismiss the application and order the
3 prisoner or inmate returned to the institution from which he or she was transferred
4 until the release date of the prisoner or inmate. If the court commits the prisoner or
5 inmate for the period commencing upon his or her release date, the commitment
6 shall be to the care and custody of the county department under s. 51.42 or 51.437.

7 **SECTION 41.** 51.37 (10) (e) of the statutes is amended to read:

8 51.37 (10) (e) The director of the facility in which the patient under par. (am)
9 is detained or committed shall notify ~~the appropriate correctional officers of the~~
10 department of corrections of the intention to grant a home visit or leave under this
11 subsection at least 20 days prior to the departure of the patient from the facility.

12 **SECTION 42.** 51.37 (11) of the statutes is amended to read:

13 51.37 (11) When an individual who is in the custody of or under the supervision
14 ~~of a correctional officer~~ of the department of corrections is transferred, discharged
15 or is on unauthorized absence from a treatment facility, the probation, extended
16 supervision and parole agent or other individual within the department of
17 corrections who is responsible for that individual's supervision shall be notified as
18 soon as possible by the director of the treatment facility.

19 **SECTION 43.** 51.40 (1) (j) of the statutes is amended to read:

20 51.40 (1) (j) "State facility" means a state mental health institute, a center for
21 the developmentally disabled, a prison ~~as specified in s. 302.01~~ or a facility that is
22 operated directly by the department of health and family services or the department
23 of corrections.

24 **SECTION 44.** 51.42 (3) (as) 1. of the statutes is amended to read:

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1 51.42 (3) (as) 1. A county department of community programs shall authorize
2 all care of any patient in a state, local or private facility under a contractual
3 agreement between the county department of community programs and the facility,
4 unless the county department of community programs governs the facility. The need
5 for inpatient care shall be determined by the program director or designee in
6 consultation with and upon the recommendation of a licensed physician trained in
7 psychiatry and employed by the county department of community programs or its
8 contract agency. In cases of emergency, a facility under contract with any county
9 department of community programs shall charge the county department of
10 community programs having jurisdiction in the county where the patient is found.
11 The county department of community programs shall reimburse the facility for the
12 actual cost of all authorized care and services less applicable collections under s.
13 46.036, unless the department of health and family services determines that a
14 charge is administratively infeasible, or unless the department of health and family
15 services, after individual review, determines that the charge is not attributable to the
16 cost of basic care and services. A county department of community programs may
17 not reimburse any state institution or receive credit for collections for care received
18 therein by nonresidents of this state, interstate compact clients, transfers under s.
19 51.35 (3), and transfers from ~~Wisconsin~~ state prisons under s. 51.37 (5) (a),
20 commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14,
21 971.17 or 975.06 or admissions under s. 975.17, 1977 stats., or children placed in the
22 guardianship of the department of health and family services under s. 48.427 or
23 48.43 or under the supervision of the department of corrections under s. 938.183 or
24 938.355. The exclusionary provisions of s. 46.03 (18) do not apply to direct and
25 indirect costs which are attributable to care and treatment of the client.

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1 **SECTION 45.** 51.45 (15) (b) of the statutes is amended to read:

2 51.45 **(15)** (b) No provisions of this section may be deemed to contradict any
3 rules or regulations governing the conduct of any inmate of a ~~state or county~~
4 correctional institution who is being treated in an alcoholic treatment program
5 within the institution.

6 **SECTION 46.** 51.61 (1) (intro.) of the statutes is amended to read:

7 51.61 **(1)** (intro.) In this section, “patient” means any individual who is
8 receiving services for mental illness, developmental disabilities, alcoholism or drug
9 dependency, including any individual who is admitted to a treatment facility in
10 accordance with this chapter or ch. 48 or 55 or who is detained, committed or placed
11 under this chapter or ch. 48, 55, 971, 975 or 980, or who is transferred to a treatment
12 facility under s. 51.35 (3) or 51.37 or who is receiving care or treatment for those
13 conditions through the department or a county department under s. 51.42 or 51.437
14 or in a private treatment facility. “Patient” does not include persons committed
15 under ch. 975 who are transferred to or residing in any state a ~~prison listed under~~
16 ~~s. 302.01~~. In private hospitals and in public general hospitals, “patient” includes any
17 individual who is admitted for the primary purpose of treatment of mental illness,
18 developmental disability, alcoholism or drug abuse but does not include an
19 individual who receives treatment in a hospital emergency room nor an individual
20 who receives treatment on an outpatient basis at those hospitals, unless the
21 individual is otherwise covered under this subsection. Except as provided in sub. (2),
22 each patient shall:

23 **SECTION 47.** 51.61 (1) (b) 3. of the statutes is amended to read:

24 51.61 **(1)** (b) 3. Payment to a patient performing labor under this section shall
25 not be applied to costs of treatment without the informed, written consent of such

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1 patient. This paragraph does not apply to individuals serving a criminal sentence
2 who are transferred from a ~~state correctional institution~~ prison under s. 51.37 (5) to
3 a treatment facility.

4 **SECTION 48.** 51.75 (9) (a) of the statutes is amended to read:

5 51.75 (9) (a) No provision of this compact except sub. (5) applies to any person
6 institutionalized while under sentence in a ~~penal or~~ correctional institution or while
7 subject to trial on a criminal charge, or whose institutionalization is due to the
8 commission of an offense for which, in the absence of mental illness or mental
9 deficiency, said person would be subject to incarceration in a ~~penal or~~ correctional
10 institution.

11 **SECTION 49.** 59.24 of the statutes is amended to read:

12 **59.24 Clerks of counties containing state institutions to make claims**
13 **in certain cases.** The clerk of any county which is entitled to reimbursement under
14 s. 16.51 (7) shall make a certified claim against the state, without direction from the
15 board, in all cases where the reimbursement is directed in s. 16.51 (7), upon forms
16 prescribed by the department of administration. The forms shall contain
17 information required by the clerk and shall be filed annually with the department
18 of corrections on or before June 1. If the claims are approved by the department of
19 corrections, they shall be certified to the department of administration and paid from
20 the appropriation made by s. 20.410 (1) (c), if the claim is for reimbursement of
21 expenses involving a prisoner in a state prison ~~named in s. 302.01~~, or from the
22 appropriation under s. 20.410 (3) (c), if the claim is for reimbursement of expenses
23 involving a juvenile in a secured correctional facility, as defined in s. 938.02 (15m).

24 **SECTION 50.** 59.52 (16) (a) of the statutes is amended to read:

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1 59.52 (16) (a) *Institutions, state farms, airports.* Appropriate each year to any
2 municipality and school district in which a county farm, hospital, charitable or penal
3 correctional institution or state hospital, charitable or ~~penal~~ correctional institution
4 or state-owned lands used for agricultural purposes or county or municipally owned
5 airport is located, an amount of money equal to the amount which would have been
6 paid in municipal and school tax upon the lands without buildings, if those lands
7 were privately owned. The valuation of the lands, without buildings, and
8 computation of the tax shall be made by the board. In making the computation under
9 this paragraph, lands on which a courthouse or jail are located and unimproved
10 county lands shall not be included.

11 **SECTION 51.** 59.53 (16) (a) of the statutes is amended to read:

12 59.53 (16) (a) In counties having a population of 30,000 or more the board may
13 erect, establish and maintain isolation hospitals or places for the care and treatment
14 of all persons afflicted with infectious, contagious and communicable diseases,
15 requiring isolation and quarantine under the laws of the state, who are inmates of
16 the charitable, ~~penal~~, correctional and other institutions of said county or who are
17 required to be cared for and treated at the expense of said county. The board may
18 also provide for the care and treatment therein of all persons so afflicted, who are
19 required to be cared for by the various municipalities in said counties, under such
20 terms, conditions, rules and regulations, as to apportionment of cost of erection of
21 such buildings and places and the expense of care and treatment of such persons
22 afflicted, as may be agreed upon between the county board and the common council
23 of such cities and the boards of such villages and towns, and each such council or
24 board is hereby vested with power and authority to enter into such contracts and to

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1 appropriate such funds as may be necessary to carry into execution all contracts so
2 made.

3 **SECTION 52.** 66.04 (1) of the statutes is amended to read:

4 66.04 (1) BONUS TO STATE INSTITUTION. No appropriation or bonus of any kind,
5 except for a donation, may be made by any town, village, or city, nor any municipal
6 liability created nor tax levied, as a consideration or inducement to the state to locate
7 any public educational, charitable, reformatory, or ~~penal~~ correctional institution.

8 **SECTION 53.** 71.54 (2) (c) 2. of the statutes is amended to read:

9 71.54 (2) (c) 2. In addition to property taxes accrued or rent constituting
10 property taxes accrued under subd. 1., if the claimant moves from a homestead
11 owned by the claimant to housing that is exempt from taxation under ch. 70, other
12 than housing for which payments in lieu of taxes are made under s. 66.40 (22) and
13 other than a correctional institution or detention facility, a claim may be allowed
14 based on property taxes accrued on that former homestead for the length of time, up
15 to the first 12 months, that the claimant resides in the tax-exempt housing and owns
16 the former homestead, if the claimant has attempted to sell the former homestead
17 but has not rented it out or leased it out.

18 **SECTION 54.** 71.64 (8) (c) of the statutes is amended to read:

19 71.64 (8) (c) The department of corrections is not required to withhold under
20 sub. (1) from wages paid to an inmate working in a prison ~~listed in s. 302.01~~, and if
21 the inmate's wages do not exceed \$2,000 per year the department of corrections is not
22 required under s. 71.65 (3) to file reports relating to those wages.

23 **SECTION 55.** 77.996 (2) (f) of the statutes is amended to read:

24 77.996 (2) (f) Facilities that are located at a ~~prison or other penal~~ correctional
25 institution.

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1 **SECTION 56.** 84.27 of the statutes is amended to read:

2 **84.27 Institution roads.** The department may administer a program to
3 improve highways forming convenient connections between the university of
4 Wisconsin system and state charitable or ~~penal~~ correctional institutions, and the
5 state trunk highway system, or to construct roadways under or over state trunk
6 highways that pass through the grounds thereof, or to construct and maintain all
7 drives and roadways on such grounds or the grounds of the state capitol. Within the
8 limitations and for the purposes of this section, work may be performed by or under
9 the supervision or authority of the department, upon the request for such work filed
10 by the board of regents of the university of Wisconsin system or the state boards,
11 commissions, departments or officers, respectively, as to such work in connection
12 with the institution controlled by them. The cost of any work under this section shall
13 be the responsibility of the board of regents of the university of Wisconsin system or
14 the state boards, commissions, departments or officers involved.

15 **SECTION 57.** 101.12 (5) (a) 2. b. of the statutes is amended to read:

16 101.12 (5) (a) 2. b. As a jail, correctional facility institution or other secure
17 facility for persons in detention;

18 **SECTION 58.** 101.123 (1) (dm) of the statutes is amended to read:

19 101.123 (1) (dm) “Prison” ~~means a prison described in s. 302.01, except it does~~
20 not include the correctional institution under s. 301.046 (1), if the institution is the
21 prisoner’s place of residence ~~and does not include, or~~ a Type 2 prison, as defined in
22 s. 301.01 (6).

23 **SECTION 59.** 102.475 (8) (a) of the statutes is amended to read:

24 102.475 (8) (a) “Correctional officer” means any person employed by the state
25 or any political subdivision as a guard or officer whose principal duties are

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1 supervision and discipline of inmates at a ~~penal~~ correctional institution, ~~prison, jail,~~
2 ~~house of correction or other place of penal detention.~~

3 **SECTION 60.** 106.215 (8g) (b) of the statutes is amended to read:

4 106.215 **(8g)** (b) If the department of corrections is a sponsor of a project that
5 is approved under this subsection, the corps members on the project shall be
6 prisoners in state a prison, probationers, parolees or persons on extended
7 supervision and the members of the project shall receive applicable alcohol or other
8 drug abuse treatment and educational programming services for a portion of each
9 work week, but not to exceed 8 hours per work week.

10 **SECTION 61.** 108.02 (15) (g) 3. of the statutes is amended to read:

11 108.02 **(15)** (g) 3. By an inmate of a custodial or ~~penal~~ correctional institution.

12 **SECTION 62.** 108.07 (8) (b) of the statutes is amended to read:

13 108.07 **(8)** (b) If a claimant is a prisoner of a state prison, ~~as defined in s. 302.01,~~
14 and has employment with an employer other than the department of corrections or
15 a private business leasing space within a state prison under s. 303.01 (2) (em), and
16 the claimant's employment terminates because conditions of incarceration or
17 supervision make it impossible to continue the employment, the department shall
18 charge to the fund's balancing account any benefits based on the terminated
19 employment that are otherwise chargeable to the account of an employer that is
20 subject to the contribution requirements under ss. 108.17 and 108.18.

21 **SECTION 63.** 115.31 (1) (b) of the statutes is amended to read:

22 115.31 **(1)** (b) "Educational agency" means a school district, cooperative
23 educational service agency, ~~state correctional institution under s. 302.01~~ prison,
24 secured correctional facility, as defined in s. 938.02 (15m), secured child caring
25 institution, as defined in s. 938.02 (15g), the Wisconsin school for the visually

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1 handicapped, the Wisconsin school for the deaf, the Mendota mental health institute,
2 the Winnebago mental health institute, a state center for the developmentally
3 disabled, a private school or a private, nonprofit, nonsectarian agency under contract
4 with a school board under s. 118.153 (3) (c).

5 **SECTION 64.** 115.76 (10) of the statutes is amended to read:

6 115.76 (10) “Local educational agency”, except as otherwise provided, means
7 the school district in which the child with a disability resides, the department of
8 health and family services if the child with a disability resides in an institution or
9 facility operated by the department of health and family services, or the department
10 of corrections if the child with a disability resides in a Type 1 secured correctional
11 facility, as defined in s. 938.02 (19), ~~or~~ a Type 1 prison, as defined in s. 301.01 (5), or
12 a private prison operating under a contract under s. 301.21 (3).

13 **SECTION 65.** 115.762 (4) of the statutes is amended to read:

14 115.762 (4) LIMITATION. Nothing in this subchapter requires that special
15 education and related services be provided to a child with a disability who is at least
16 18 years old but not yet 22 years old and who, in the child’s educational placement
17 before his or her incarceration in a state prison, was not identified as a child with a
18 disability or for whom an individualized education program was not developed.

19 **SECTION 66.** 115.787 (6) of the statutes is amended to read:

20 115.787 (6) CHILDREN WITH DISABILITIES IN STATE PRISONS. (a) 1. The
21 requirements relating to participation of children with disabilities in general
22 assessments under sub. (2) (e) do not apply to a child with a disability who is
23 convicted of a crime under state law and incarcerated in a state prison.

24 2. The requirements relating to transition planning and transition services
25 under sub. (2) (g) 1. and 2. do not apply with respect to a child with a disability who

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1 is convicted of a crime under state law and incarcerated in a state prison and whose
2 eligibility under this subchapter will end, because of his or her age, before he or she
3 will be released from prison.

4 (b) If a child with a disability is convicted of a crime under state law and
5 incarcerated in a state prison, the child's individualized education program team
6 may modify the child's individualized education program or placement
7 notwithstanding the requirements of sub. (1) and s. 115.79 (1) if the department of
8 corrections has demonstrated a bona fide security or compelling penological interest
9 that cannot otherwise be accommodated.

10 **SECTION 67.** 115.81 (1) (b) of the statutes is amended to read:

11 115.81 (1) (b) "Responsible local educational agency" means the local
12 educational agency that was responsible for providing a free, appropriate public
13 education to the child before the placement of the child in a child caring institution,
14 except that if the child resided in an institution or facility operated by the
15 department of health and family services, a Type 1 secured correctional facility, as
16 defined in s. 938.02 (19), ~~or~~ a Type 1 prison, as defined in s. 301.01 (5), or a private
17 prison operating under a contract under s. 301.21 (3) before the placement of the
18 child in a child caring institution, "responsible local educational agency" means the
19 school district in which the child caring institution is located.

20 **SECTION 68.** 118.125 (4) of the statutes is amended to read:

21 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
22 transfer to another school or school district all pupil records relating to a specific
23 pupil if the transferring school district has received written notice from the pupil if
24 he or she is an adult or his or her parent or guardian if the pupil is a minor that the
25 pupil intends to enroll in the other school or school district or written notice from the

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1 other school or school district that the pupil has enrolled or from a court that the pupil
2 has been placed in a juvenile correctional facility institution or a secured child caring
3 institution, as defined in s. 938.02 (15g). In this subsection, “school” and “school
4 district” include any juvenile correctional facility institution, secured child caring
5 institution as defined in s. 938.02 (15g), adult correctional institution, mental health
6 institute or center for the developmentally disabled, that provides an educational
7 program for its residents instead of or in addition to that which is provided by public
8 and private schools.

9 **SECTION 69.** 118.16 (4) (cm) 1. of the statutes is amended to read:

10 118.16 (4) (cm) 1. The school board may establish policies which provide that
11 a pupil of an age eligible for high school enrollment in the school district, as
12 determined by the school board, may be assigned to a period of assessment as a
13 consequence of the pupil’s truancy or upon the pupil’s return to school from
14 placement in a correctional facility institution, mental health treatment facility,
15 alcohol and other drug abuse treatment facility or other out-of-school placement.
16 The policies shall specify the conditions under which a pupil may participate in the
17 assessment without being in violation of s. 118.15 and the maximum length of time
18 that a pupil may be assigned to an assessment period.

19 **SECTION 70.** 120.18 (1) (a) (intro.) of the statutes is amended to read:

20 120.18 (1) (a) (intro.) The school count, showing the numbers and ages of
21 persons who are at least 4 years old but not yet 14 years old and who reside in a school
22 district operating only elementary grades, showing the number and ages of persons
23 between the ages of 14 and 20 residing in a union high school district and showing
24 the number and ages of persons between the ages of 4 and 20 residing in any other
25 school district. Children cared for at a charitable or ~~penal~~ correctional institution of

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1 this state may not be included in the report. The school district clerk may employ
2 a competent person to take the school count. The count may be determined by using
3 any of the following methods:

4 **SECTION 71.** 121.79 (1) (b) of the statutes is amended to read:

5 121.79 (1) (b) For pupils whose parents or guardians are employed at and
6 reside on the grounds of a state or federal military camp, federal veteran hospital or
7 state charitable or ~~penal~~ correctional institution.

8 **SECTION 72.** 132.13 (1) (a) of the statutes is amended to read:

9 132.13 (1) (a) All goods, wares, and merchandise made wholly or in part by
10 convict labor in any ~~penitentiary~~, prison, reformatory or other establishment in
11 which convict labor is employed, except convicts or prisoners on parole, extended
12 supervision or probation, shall before being exposed for sale be branded, labeled,
13 marked or tagged as herein provided and shall not be exposed for sale or sold in this
14 state without such brand, label, mark or tag. Such brand, label, mark or tag shall
15 contain at the head or top thereof the words “convict-made” followed by the name of
16 the ~~penitentiary~~, prison, reformatory or other establishment in which it was made
17 in plain English lettering of the style and size known as eighteen point Cheltenham
18 bold type capitals. The brand or mark shall in all cases where the nature of the
19 articles will permit be placed on each individual article or part of such article that
20 is sold, and only where such branding or marking is impossible shall a label or tag
21 be used and where a label is used it shall be securely pasted onto each such article
22 and when a tag is used it shall be a paper tag securely fastened to such article or part
23 of article sold. In addition to the marking of each article or part of article sold a
24 similar brand, mark, label or tag shall be placed upon the outside or upon its box,

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1 crate, or other covering. All brands, labels, marks, and tags shall be placed on a
2 conspicuous part of such article or part of article and its container.

3 **SECTION 73.** 139.40 (2) of the statutes is amended to read:

4 139.40 (2) If cigarettes which do not bear the proper tax stamps or on which
5 the tax has not been paid are so seized they may be given to law enforcement officers
6 to use in criminal investigations or sold to qualified buyers by the secretary, without
7 notice. If the cigarettes are sold, after deducting the costs of the sale and the keeping
8 of the property, the proceeds of the sale shall be paid into the state treasury. If the
9 secretary finds that such cigarettes may deteriorate or become unfit for use in
10 criminal investigations or for sale or that those uses would otherwise be impractical,
11 the secretary may order them destroyed or give them to a charitable or ~~penal~~
12 correctional institution for free distribution to patients or inmates.

13 **SECTION 74.** 157.02 (1) of the statutes is amended to read:

14 157.02 (1) NOTICE TO RELATIVES. When an inmate of any state, county or
15 municipal institution or any private prison operating under a contract under s.
16 302.21 (3) dies, the superintendent or other person in charge of the institution or
17 private prison shall immediately notify a relative of the decedent. A public officer
18 having the possession or the disposition of a corpse shall immediately notify a
19 relative of the decedent. If no relative is known, or discoverable by use of ordinary
20 diligence, notice may be dispensed with. In addition, if the deceased had been an
21 inmate of a state correctional institution, the department of corrections shall provide
22 written notification to the relative informing him or her that the department of
23 corrections, upon request, will provide a copy of any autopsy report or other report
24 or information pertaining to the death. The department of corrections shall describe
25 how the request may be made and shall promptly comply with any such request.

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1 **SECTION 75.** 165.755 (6) of the statutes is amended to read:

2 165.755 **(6)** If an inmate in a state prison or a person sentenced to a the
3 Wisconsin state prison prisons has not paid the crime laboratories and drug law
4 enforcement assessment under sub. (1) (a), the department shall assess and collect
5 the amount owed from the inmate's wages or other moneys. Any amount collected
6 shall be transmitted to the state treasurer.

7 **SECTION 76.** 165.84 (4) of the statutes is amended to read:

8 165.84 **(4)** All persons in charge of state ~~penal and~~ correctional institutions
9 shall obtain fingerprints, according to the fingerprint system of identification
10 established by the director of the F.B.I., and full face and profile photographs of all
11 persons received on commitment to these institutions. The prints and photographs
12 so taken shall be forwarded to the department, together with any other identifying
13 data requested, within 10 days after the arrival at the institution of the person
14 committed. Full length photographs in release dress shall be taken immediately
15 prior to the release of these persons from these institutions or from a private prison
16 operating under a contract under s. 301.21 (3). Immediately after release, these
17 photographs shall be forwarded to the department.

18 **SECTION 77.** 165.84 (5) of the statutes is amended to read:

19 165.84 **(5)** All persons in charge of law enforcement and tribal law enforcement
20 agencies, all clerks of court, all municipal judges where they have no clerks, all
21 persons in charge of state and county ~~penal and~~ correctional institutions, and all
22 persons in charge of state and county probation, extended supervision and parole
23 offices, shall supply the department with the information described in s. 165.83 (2)
24 (f) on the basis of the forms and instructions to be supplied by the department under
25 s. 165.83 (2) (g).

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1 **SECTION 78.** 165.84 (6) of the statutes is amended to read:

2 165.84 **(6)** All persons in charge of law enforcement and tribal law enforcement
3 agencies in this state shall furnish the department with any other identifying data
4 required in accordance with guidelines established by the department. All law
5 enforcement and tribal law enforcement agencies and ~~penal~~ and correctional
6 institutions in this state having criminal identification files shall cooperate in
7 providing to the department copies of such items in these files as will aid in
8 establishing the nucleus of the state criminal identification file.

9 **SECTION 79.** 230.36 (1) of the statutes is amended to read:

10 230.36 **(1)** If a conservation warden, conservation patrol boat captain,
11 conservation patrol boat engineer, state forest ranger, conservation field employe of
12 the department of natural resources who is subject to call for fire control duty,
13 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax
14 investigator employed by the department of revenue, special criminal investigation
15 agent employed by the department of justice, special tax agent, state drivers' license
16 examiner, state fair park police officer, University of Wisconsin System police officer
17 and other state facilities police officer and patrol officer, security officer, watcher,
18 engineer, engineering aide, building construction superintendent, fire fighter
19 employed at the Wisconsin Veterans Home, or guard or institutional aide or a state
20 probation, extended supervision and parole officer or any other employe whose
21 duties include supervision and discipline of inmates or wards of the state at a state
22 ~~penal~~ correctional institution, including a secured correctional facility, as defined in
23 s. 938.02 (15m), or while on parole supervision or extended supervision outside of the
24 confines of the institutions, or supervision of persons placed on probation by a court
25 of record, or supervision and care of patients at a state mental institution, and the

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1 University of Wisconsin Hospitals and Clinics suffers injury while in the
2 performance of his or her duties, as defined in subs. (2) and (3); or any other state
3 employe who is not listed in this subsection and who is ordered by his or her
4 appointing authority to accompany any employe listed in this subsection while the
5 listed employe is engaged in the duties defined in sub. (3), or any other state employe
6 who is not listed in this subsection and who is ordered by his or her appointing
7 authority to perform the duties, when permitted, in lieu of the listed employe and
8 while so engaged in the duties defined in sub. (3), suffers injury as defined in sub.
9 (2) the employe shall continue to be fully paid by the employing agency upon the same
10 basis as paid prior to the injury, with no reduction in sick leave credits, compensatory
11 time for overtime accumulations or vacation and no reduction in the rate of earning
12 sick leave credit or vacation. The full pay shall continue while the employe is unable
13 to return to work as the result of the injury or until the termination of his or her
14 employment upon recommendation of the appointing authority. At any time during
15 the employe's period of disability the appointing authority may order physical or
16 medical examinations to determine the degree of disability at the expense of the
17 employing agency.

18 **SECTION 80.** 230.36 (3) (c) (intro.) of the statutes is amended to read:

19 230.36 (3) (c) (intro.) A guard, institution aide, or other employe at the
20 University of Wisconsin Hospitals and Clinics or at a state ~~penal~~ correctional or
21 mental institution, including a secured correctional facility, as defined in s. 938.02
22 (15m), and a state probation, extended supervision and parole officer, at all times
23 while:

24 **SECTION 81.** 250.04 (10) of the statutes is amended to read:

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1 250.04 (10) The department may investigate and supervise the sanitary
2 conditions of all charitable, curative, reformatory and penal correctional
3 institutions, all detention homes for children and the hospitals and institutions that
4 are organized for the purposes set forth in s. 58.01. The department may visit the
5 jails, municipal prisons, houses of correction and all other places in which persons
6 convicted or suspected of crime or mentally ill persons are confined and ascertain the
7 sanitary conditions of those places.

8 **SECTION 82.** 252.02 (4) of the statutes is amended to read:

9 252.02 (4) The department may promulgate and enforce rules or issue orders
10 for guarding against the introduction of any communicable disease into the state, for
11 the control and suppression of communicable diseases, for the quarantine and
12 disinfection of persons, localities and things infected or suspected of being infected
13 by a communicable disease and for the sanitary care of jails, state prisons, mental
14 health institutions, schools, hotels and public buildings and connected premises.
15 Any rule or order may be made applicable to the whole or any specified part of the
16 state, or to any vessel or other conveyance. The department may issue orders for any
17 city, village or county by service upon the local health officer. Rules that are
18 promulgated and orders that are issued under this subsection supersede conflicting
19 or less stringent local regulations, orders or ordinances.

20 **SECTION 83.** 252.02 (5) of the statutes is amended to read:

21 252.02 (5) If any public officer or employe or any person in charge of any
22 building, vessel, conveyance, jail, state prison, mental health institution or school
23 fails to comply with a rule promulgated or order issued under sub. (4), the
24 department may appoint an agent to execute its rules or orders. Expenses that an
25 agent incurs shall be paid by the unit of government that employs the person or of

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1 which the public officer is a member. If the building, vessel, conveyance, prison,
2 mental health institution or school is privately owned the state shall pay the
3 expenses that the agent incurs.

4 **SECTION 84.** 252.06 (6) (b) of the statutes is amended to read:

5 252.06 **(6)** (b) When a person confined in a jail, state prison, mental health
6 institute or other public place of detention has a disease which the local health officer
7 or the director of health at the institution deems dangerous to the health of other
8 residents or the neighborhood, the local health officer or the director of health at the
9 institution shall order in writing the removal of the person to a hospital or other place
10 of safety, there to be provided for and securely kept. Upon recovery the person shall
11 be returned; and if the person was committed by a court or under process the removal
12 order or a copy shall be returned by the local health officer to the committing court
13 officer.

14 **SECTION 85.** 252.08 (4) (a) of the statutes is amended to read:

15 252.08 **(4)** (a) Care of patients transferred to facilities approved under this
16 section from state institutions or from state ~~penal~~ correctional institutions under s.
17 304.115.

18 **SECTION 86.** 252.14 (1) (ad) of the statutes is renumbered 252.14 (1) (ad) (intro.)
19 and amended to read:

20 252.14 **(1)** (ad) (intro.) “Correctional officer” ~~has the meaning given~~ means any
21 of the following:

22 1. A correctional officer as defined in s. 301.28 (1).

23 **SECTION 87.** 252.14 (1) (ad) 2. of the statutes is created to read:

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1 252.14 (1) (ad) 2. A person employed by a private prison operating under a
2 contract under s. 302.21 (3) whose principal duty is the supervision of inmates at the
3 private prison.

4 **SECTION 88.** 252.15 (1) (ad) of the statutes is renumbered 252.15 (1) (ad) (intro.)
5 and amended to read:

6 252.15 (1) (ad) (intro.) “Correctional officer” ~~has the meaning given~~ means any
7 of the following:

8 1. A correctional officer as defined in s. 301.28 (1).

9 **SECTION 89.** 252.15 (1) (ad) 2. of the statutes is created to read:

10 252.15 (1) (ad) 2. A person employed by a private prison operating under a
11 contract under s. 302.21 (3) whose principal duty is the supervision of inmates at the
12 private prison.

13 **SECTION 90.** 292.65 (1) (d) 6. of the statutes is amended to read:

14 292.65 (1) (d) 6. A facility that is located at a prison or other ~~penal~~ correctional
15 institution.

16 **SECTION 91.** 301.01 (2g) of the statutes is created to read:

17 301.01 (2g) “Private prison” means a private prison operating under a contract
18 under s. 301.21 (3).

19 **SECTION 92.** 301.03 (2r) of the statutes is amended to read:

20 301.03 (2r) Conduct drug testing of prospective parolees or persons to be placed
21 on extended supervision who have undergone treatment while in state prison.

22 **SECTION 93.** 301.03 (9) of the statutes is amended to read:

23 301.03 (9) Supervise all persons placed under s. 48.366 (8) or 938.183 in a ~~state~~
24 prison.

25 **SECTION 94.** 301.046 (1) of the statutes is amended to read:

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1 301.046 (1) INSTITUTION STATUS. The department shall establish and operate
2 a community residential confinement program as a correctional institution under
3 the charge of a superintendent. Under the program, the department shall confine
4 prisoners in their places of residence or other places designated by the department.
5 The secretary may allocate and reallocate existing and future facilities as part of the
6 institution. The institution is subject to s. 301.02 and is a state prison ~~as defined in~~
7 under s. 302.01. Construction or establishment of the institution shall be in
8 compliance with all state laws except s. 32.035 and ch. 91. In addition to the
9 exemptions under s. 13.48 (13), construction or establishment of facilities for the
10 institution are not subject to the ordinances or regulations relating to zoning,
11 including zoning under ch. 91, of the county and municipality in which the
12 construction or establishment takes place and are exempt from inspections required
13 under s. 301.36.

14 **SECTION 95.** 301.048 (4) (b) of the statutes is amended to read:

15 301.048 (4) (b) The department shall operate the program as a correctional
16 institution. The secretary may allocate and reallocate existing and future facilities
17 as part of the institution. The institution is subject to s. 301.02 and is a state prison
18 ~~as defined in~~ under s. 302.01. Construction or establishment of the institution shall
19 be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the
20 exemptions under s. 13.48 (13), construction or establishment of facilities for the
21 institution are not subject to the ordinances or regulations relating to zoning,
22 including zoning under ch. 91, of the county and municipality in which the
23 construction or establishment takes place and are exempt from inspections required
24 under s. 301.36.

25 **SECTION 96.** 301.08 (1) (b) 1. of the statutes is amended to read:

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1 301.08 (1) (b) 1. Contract with public, private or voluntary agencies for the
2 purchase of goods, care and services for persons ~~committed or sentenced to a state~~
3 ~~correctional or penal institution, in the custody of the department or placed on~~
4 ~~probation or lifetime supervision to the department by a court of record, or released~~
5 ~~from a state correctional or penal institution under s. 939.615.~~ Services shall
6 include, but are not limited to, diagnostic services, evaluation, treatment,
7 counseling, referral and information, day care, inpatient hospitalization,
8 transportation, recreation, special education, vocational training, work adjustment,
9 sheltered employment, special living arrangements and legal and protective
10 services.

11 **SECTION 97.** 301.12 (2m) of the statutes is amended to read:

12 301.12 (2m) The liability specified in sub. (2) shall not apply to persons 17 and
13 older receiving care, maintenance, services and supplies provided by ~~prisons named~~
14 ~~in s. 302.01~~ a prison.

15 **SECTION 98.** 301.13 of the statutes is amended to read:

16 **301.13 Minimum security correctional institutions.** The department
17 may establish and operate minimum security correctional institutions. The
18 secretary may allocate and reallocate existing and future facilities as part of these
19 institutions. The institutions are subject to s. 301.02 and are state prisons as defined
20 in s. 302.01. Inmates ~~from Wisconsin state~~ sentenced to the Wisconsin state prisons
21 may be transferred to these institutions and they shall be as provided under s.
22 302.18. Inmates transferred to the institutions under this section are subject to all
23 laws pertaining to inmates of other penal institutions of the state prisons under s.
24 302.01. Officers and employes of the institutions shall be subject to the same laws
25 as pertain to other ~~penal institutions~~ state prisons under s. 302.01. Inmates shall

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1 not be received on direct commitment from the courts. In addition to the exemptions
2 under s. 13.48 (13), construction or establishment of facilities at institutions which
3 are community correctional residential centers initially established prior to July 2,
4 1983, shall not be subject to the ordinances or regulations relating to zoning,
5 including zoning under ch. 91, of the county and municipality in which the
6 construction or establishment takes place. The department shall establish a
7 procedure for soliciting responses from interested communities and persons
8 regarding potential sites for the institutions under this section, except the procedure
9 does not apply to the 125-bed community correctional center in the city of Waupun.
10 The department shall consider locations proposed under this procedure and may
11 consider any other locations on its own initiative. The department need not
12 promulgate rules regarding the site consideration procedures under this section.

13 **SECTION 99.** 301.14 of the statutes is amended to read:

14 **301.14 State-local shared correctional facilities.** In cooperation with any
15 county or group of counties, the department may contract for the establishment and
16 operation of state-local shared correctional facilities under s. 302.45. Except as
17 provided in s. 302.45 (4), the secretary may allocate and reallocate existing and
18 future facilities as state-local shared correctional facilities. The shared facilities
19 ~~shall be~~ are institutions under s. 301.02 and ~~shall be~~ are state prisons under s.
20 302.01. Inmates ~~from~~ sentenced to the Wisconsin state prisons may be transferred
21 to these facilities ~~and, except as provided under s. 302.18.~~ Except as to any separate
22 rules established in the contract governing a shared facility, ~~shall be~~ inmates
23 transferred to shared facilities under this section are subject to all laws pertaining
24 to inmates of other ~~penal institutions of this state~~ prisons under s. 302.01. Officers
25 and employes of the facilities shall be subject to the same laws as pertain to other

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1 ~~penal institutions~~ state prisons under s. 302.01. Inmates may not be received on
2 direct commitment from the courts.

3 **SECTION 100.** 301.15 of the statutes is amended to read:

4 **301.15 Medium security prison.** The department may construct a medium
5 security prison to be known as the Fox Lake correctional institution on state-owned
6 land known as prison farm 10 in Dodge county. Inmates ~~from~~ sentenced to the
7 Wisconsin state prisons may be transferred to this institution and they shall be as
8 provided under s. 302.18. Inmates transferred to the institution under this section
9 are subject to all laws pertaining to inmates of other ~~penal institutions of this state~~
10 prisons under s. 302.01. Officers and employes of the institutions shall be subject to
11 the same laws as pertain to other ~~penal institutions~~ state prisons under s. 302.01.
12 Inmates shall not be received on direct commitment from the courts.

13 **SECTION 101.** 301.16 (1r) of the statutes is amended to read:

14 **301.16 (1r)** In addition to the institutions under sub. (1), the department shall
15 establish a medium security correctional institution for persons 15 years of age or
16 over, but not more than 21 years of age, who have been placed in a ~~state prison under~~
17 ~~s. 302.01~~. The medium security correctional institution under this subsection shall
18 be known as the Racine Youthful Offender Correctional Facility and shall be located
19 at the intersection of Albert Street and North Memorial Drive in the city of Racine.
20 The department shall limit the number of prisoners who may be placed at the Racine
21 Youthful Offender Correctional Facility to no more than 400 at any one time.

22 **SECTION 102.** 301.16 (1x) of the statutes is amended to read:

23 **301.16 (1x)** Inmates ~~from~~ sentenced to the Wisconsin state prisons may be
24 transferred to the institutions under this section ~~and they shall be~~. Inmates
25 transferred to institutions under this section are subject to all laws pertaining to

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1 inmates of other ~~penal institutions of~~ prisons in this state. Officers and employes of
2 the institutions shall be subject to the same laws as pertain to other ~~penal~~
3 correctional institutions. Inmates shall not be received on direct commitment from
4 the courts.

5 **SECTION 103.** 301.21 (title) of the statutes is amended to read:

6 **301.21 (title) Contracts for the transfer and confinement of Wisconsin**
7 **prisoners in other states.**

8 **SECTION 104.** 301.21 (1m) (title) of the statutes is created to read:

9 **301.21 (1m) (title) CONTRACTS WITH OTHER STATES OR POLITICAL SUBDIVISIONS OF**
10 **OTHER STATES.**

11 **SECTION 105.** 301.21 (1m) (b) of the statutes is amended to read:

12 **301.21 (1m) (b) ~~Inmates from~~ While in an institution in another state pursuant**
13 **to a contract under this subsection. Wisconsin state prisons while in an institution**
14 **~~in another state~~ prisoners are subject to all provisions of law and regulation**
15 **concerning the confinement of persons committed for violations of the laws of that**
16 **state, except as otherwise provided for by any contract entered into under this**
17 **subsection.**

18 **SECTION 106.** 301.21 (2m) (title) of the statutes is created to read:

19 **301.21 (2m) (title) CONTRACTS WITH PRIVATE PERSONS FOR CONFINEMENT IN**
20 **ANOTHER STATE.**

21 **SECTION 107.** 301.21 (3) of the statutes is created to read:

22 **301.21 (3) CONTRACTS WITH PRIVATE PERSONS FOR CONFINEMENT IN THIS STATE. (a)**
23 **The department may enter into one or more contracts with a private person for the**
24 **transfer and confinement in this state of prisoners who have been committed to the**
25 **custody of the department.**

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1 (b) Prisoners who are confined in a private prison under a contract under this
2 subsection are subject to all laws pertaining to inmates of state prisons under s.
3 302.01.

4 (c) Subject to par. (b), a contract entered into under par. (a) shall provide for all
5 of the following:

6 1. A termination date.

7 2. Provisions concerning the costs of prisoner maintenance, medical and dental
8 expenses and any participation in or receipt by prisoners of rehabilitative or
9 correctional services, facilities, programs or treatment, including those costs not
10 reasonably included as part of normal maintenance.

11 3. Provisions concerning any participation in programs of prisoner
12 employment, if any, the disposition or crediting of any payments received by
13 prisoners on account of employment, and the crediting of proceeds from or disposal
14 of any products resulting from employment.

15 4. Delivery and retaking of prisoners.

16 5. Procedures requiring the private person with which the department is
17 contracting to make regular reports concerning prisoners confined under the
18 contract.

19 6. Provisions concerning procedures for probation, parole, extended
20 supervision and discharge of prisoners confined under the contract.

21 7. The same standards of reasonable and humane care as the prisoners would
22 receive in a comparable state prison under s. 302.01.

23 8. The investigation and inspection of the private prison by the department
24 under s. 301.36.

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1 9. Any other matters as are necessary and appropriate to fix the obligations,
2 responsibilities and rights of the department and the private person with which the
3 department is contracting.

4 (d) Prisoners may not be received at a private prison covered by a contract
5 under this subsection on direct commitment from the courts.

6 (e) The provisions of any contract entered into under this subsection are
7 severable. If any provision of such a contract is invalid, or if the application of a
8 provision of the contract to any person or circumstance is invalid, the invalidity does
9 not affect other provisions or applications which can be given effect without the
10 invalid provision or application.

11 **SECTION 108.** 301.21 (6) (title) of the statutes is created to read:

12 301.21 (6) (title) APPROVAL REQUIRED.

13 **SECTION 109.** 301.26 (4) (cm) 1. of the statutes is amended to read:

14 301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall
15 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
16 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile
17 correctional institutions, secured child caring institutions, as defined in s. 938.02
18 (15g), alternate care providers, aftercare supervision providers and corrective
19 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
20 care of any juvenile 14 years of age or over who has been placed in a juvenile
21 correctional facility institution based on a delinquent act that is a violation of s.
22 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4.,
23 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30 (2),
24 948.35 (1) (b) or 948.36 and for the care of any juvenile 10 years of age or over who
25 has been placed in a juvenile correctional institution or a secured child caring

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1 institution for attempting or committing a violation of s. 940.01 or for committing a
2 violation of s. 940.02 or 940.05.

3 **SECTION 110.** 301.26 (4) (cm) 2. of the statutes is amended to read:

4 301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) and (bm), the department shall
5 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations
6 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile
7 correctional institutions, secured child caring institutions, as defined in s. 938.02
8 (15g), alternate care providers, aftercare supervision providers and corrective
9 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the
10 care of any juvenile 14 years of age or over and under 18 years of age who has been
11 placed in a juvenile correctional facility institution under s. 48.366 based on a
12 delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

13 **SECTION 111.** 301.28 (1) of the statutes is amended to read:

14 301.28 (1) In this section, “correctional officer” means any person classified as
15 a correctional officer employed by the state whose principal duty is the supervision
16 of inmates at a state prison, ~~as defined in~~ under s. 302.01.

17 **SECTION 112.** 301.29 (2) of the statutes is amended to read:

18 301.29 (2) ~~The superintendents of all the~~ superintendent of a state correctional
19 ~~institutions,~~ institution or a private prison and ~~the employes under them~~ any
20 employe of the institution or prison to whom they delegate the superintendent
21 delegates police power; may arrest any person within or upon the grounds of the
22 institutions whom ~~they have~~ the superintendent or employe has reason to believe is
23 guilty of any offense against the laws or regulations governing the institutions; and
24 for that purpose they shall possess the powers of constables.

25 **SECTION 113.** 301.29 (3) of the statutes is amended to read:

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1 301.29 (3) The department shall investigate complaints against any
2 institution under its jurisdiction, including a private prison, or against the officers
3 or employes of the institutions. For that purpose, the secretary and such officers and
4 employes as the secretary authorizes may summon and swear witnesses, take
5 testimony and compel the production of books and papers. On its own initiative, the
6 department may investigate the affairs of any institution. Any written
7 communication or complaint addressed to the secretary by any inmate, employe or
8 subordinate of an institution shall be immediately forwarded unopened to the
9 addressee.

10 **SECTION 114.** 301.32 (1) of the statutes is amended to read:

11 301.32 (1) PROPERTY DELIVERED TO WARDEN OR SUPERINTENDENT; CREDIT AND DEBIT.
12 All money and other property delivered to an employe of any state correctional
13 institution or private prison for the benefit of a prisoner or resident shall be delivered
14 to the warden or superintendent, who shall enter the property upon his or her
15 accounts to the credit of the prisoner or resident. The property may be used only
16 under the direction and with the approval of the superintendent or warden and for
17 the crime victim and witness assistance surcharge under s. 973.045 (4), the
18 delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), the
19 deoxyribonucleic acid analysis surcharge under s. 973.046 or the benefit of the
20 prisoner or resident. If the money remains uncalled for for one year after the
21 prisoner's or resident's death or departure from the state correctional institution or
22 private prison, the superintendent shall deposit it in the general fund. If any
23 prisoner or resident leaves property, other than money, uncalled for at a state
24 correctional institution or private prison for one year, the superintendent shall sell
25 the property and remit the proceeds to the department for deposit ~~the proceeds~~ in the

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1 general fund, donate the property to a public agency or private, nonprofit
2 organization or destroy the property. If any person satisfies the department, within
3 5 years after the deposit, of his or her right to the deposit, the department shall direct
4 the department of administration to draw its warrant in favor of the claimant and
5 it shall charge the same to the appropriation made by s. 20.913 (3) (bm).

6 **SECTION 115.** 301.33 (1) of the statutes is amended to read:

7 301.33 (1) Subject to reasonable exercise of the privilege, members of the clergy
8 of all religious faiths shall have an opportunity, at least once each week, to conduct
9 religious services within the state correctional institutions and within a private
10 prison. Attendance at the services is voluntary.

11 **SECTION 116.** 301.36 (1) of the statutes is amended to read:

12 301.36 (1) GENERAL AUTHORITY. The department shall investigate and
13 supervise all of the state correctional institutions and all secure detention facilities
14 and shall investigate all private prisons. The department shall familiarize itself
15 with all of the circumstances affecting their the management and usefulness of the
16 institutions, facilities and private prisons it investigates under this subsection.

17 **SECTION 117.** 301.36 (2) (title) of the statutes is amended to read:

18 301.36 (2) (title) PRISONS AND OTHER CORRECTIONAL INSTITUTIONS.

19 **SECTION 118.** 301.38 (2) (intro.) of the statutes is amended to read:

20 301.38 (2) (intro.) If a prisoner escapes from a Type 1 prison or a private prison,
21 the department shall make a reasonable attempt to notify all of the following
22 persons, if they can be found, in accordance with sub. (3) and after receiving a
23 completed card under sub. (4):

24 **SECTION 119.** 302.01 of the statutes is amended to read:

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1 **302.01 State prisons named and defined listed.** The penitentiary
2 institution at Waupun is named “Waupun Correctional Institution”. The
3 correctional treatment center at Waupun is named “Dodge Correctional Institution”.
4 The penitentiary institution at Green Bay is named “Green Bay Correctional
5 Institution”. The medium/maximum penitentiary institution at Portage is named
6 “Columbia Correctional Institution”. The medium security institution at Oshkosh
7 is named “Oshkosh Correctional Institution”. The medium security penitentiary
8 institution near Fox Lake is named “Fox Lake Correctional Institution”. The
9 penitentiary institution at Taycheedah is named “Taycheedah Correctional
10 Institution”. The medium security penitentiary institution at Plymouth is named
11 “Kettle Moraine Correctional Institution”. The penitentiary institution at the
12 village of Sturtevant in Racine county is named “Racine Correctional Institution”.
13 The medium security penitentiary institution at Racine is named “Racine Youthful
14 Offender Correctional Facility”. The resource facility at Oshkosh is named
15 “Wisconsin Resource Center”. The institutions named in this section, the
16 correctional institution authorized under s. 301.16 (1n), correctional institution
17 authorized under 1997 Wisconsin Act 4, section 4 (1) (a), correctional institution
18 authorized under s. 301.046 (1), correctional institution authorized under s. 301.048
19 (4) (b), minimum security correctional institutions authorized under s. 301.13, and
20 state–local shared correctional facilities when established under s. 301.14, are state
21 prisons.

22 **SECTION 120.** 302.02 (title) of the statutes is amended to read:

23 **302.02 (title) Jurisdiction and extent of state correctional institutions**
24 **and private prisons; service of process therein.**

25 **SECTION 121.** 302.02 (3t) of the statutes is amended to read:

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1 **302.02 (3t)** INSTITUTIONS LOCATED IN OTHER STATES; PRIVATE PRISONS. For all
2 purposes of discipline and for judicial proceedings, each institution that is located in
3 ~~another state and~~ authorized for use under s. 301.21 and the precincts of the
4 institution shall be deemed to be in a county in which the institution is physically
5 located, and the courts of that county shall have jurisdiction of any activity, wherever
6 located, conducted by the institution.

7 **SECTION 122.** 302.02 (5) (a) of the statutes is amended to read:

8 **302.02 (5)** (a) Service of process may be made on the warden or superintendent
9 of ~~any a~~ a prison named in s. ~~302.01~~ as upon any other resident of this state.

10 **SECTION 123.** 302.02 (5) (b) of the statutes is amended to read:

11 **302.02 (5)** (b) Except as provided in par. (a), service of process within ~~any such~~
12 a prison on any officer or employe or inmate thereof shall be made by the warden or
13 superintendent or some person appointed by the warden or superintendent to serve
14 process.

15 **SECTION 124.** 302.04 (title) of the statutes is amended to read:

16 **302.04** (title) **Duties of warden and superintendents of state prisons.**

17 **SECTION 125.** 302.05 (1) (intro.) of the statutes is amended to read:

18 **302.05 (1)** (intro.) The department of corrections and the department of health
19 and family services may designate a section of a mental health institute as a
20 correctional treatment facility for the treatment of substance abuse of inmates
21 transferred from ~~Wisconsin state prisons~~ a prison. This section shall be
22 administered by the department of corrections and shall be known as the Wisconsin
23 substance abuse program. The department of corrections and the department of
24 health and family services shall ensure that the residents at the institution and the
25 residents in the substance abuse program:

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1 **SECTION 126.** 302.06 of the statutes is amended to read:

2 **302.06 Delivery of persons to prisons.** The sheriff shall deliver to the
3 reception center designated by the department every person convicted in the county
4 and sentenced to the Wisconsin state prisons or to the intensive sanctions program
5 as soon as may be after sentence, together with a copy of the judgment of conviction.
6 The warden or superintendent shall deliver to the sheriff a receipt acknowledging
7 receipt of the person, naming the person, which receipt the sheriff shall file in the
8 office of the clerk who issued the copy of the judgment of conviction. When
9 transporting or delivering the person to any ~~of the Wisconsin state prisons~~ prison
10 located in this state, the sheriff shall be accompanied by an adult of the same sex as
11 the person. If the sheriff and the person are of the same sex, this requirement is
12 satisfied and a 3rd person is not required.

13 **SECTION 127.** 302.07 of the statutes is amended to read:

14 **302.07 Maintenance of order.** The warden or superintendent of a prison
15 shall maintain order, enforce obedience, suppress riots and prevent escapes. For
16 such purposes the warden or superintendent may command the aid of the officers of
17 the institution and of persons outside of the prison; and any person who fails to obey
18 such command shall be punished by imprisonment in the county jail not more than
19 one year or by a fine not exceeding \$500. The warden or superintendent may adopt
20 proper means to capture escaped inmates.

21 **SECTION 128.** 302.08 of the statutes is amended to read:

22 **302.08 Humane treatment and punishment.** The ~~wardens and the~~
23 ~~superintendents~~ warden, superintendent and all ~~prison~~ prison officials and employes of a
24 prison shall uniformly treat the inmates with kindness. There shall be no corporal
25 or other painful and unusual punishment inflicted upon inmates.

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1 **SECTION 129.** 302.095 (2) of the statutes is amended to read:

2 302.095 (2) Any officer or other person who delivers or procures to be delivered
3 or has in his or her possession with intent to deliver to any inmate confined in a jail
4 or state prison, or who deposits or conceals in or about a jail or prison, or the precincts
5 of a jail or prison, or in any vehicle going into the premises belonging to a jail or
6 prison, any article or thing whatever, with intent that any inmate confined in the jail
7 or prison shall obtain or receive the same, or who receives from any inmate any
8 article or thing whatever with intent to convey the same out of a jail or prison,
9 contrary to the rules or regulations and without the knowledge or permission of the
10 sheriff or other keeper of the jail, in the case of a jail, or of the warden or
11 superintendent of the prison, in the case of a prison, shall be imprisoned for not more
12 than 2 years or fined not more than \$500.

13 **SECTION 130.** 302.095 (2) of the statutes, as affected by 1997 Wisconsin Acts
14 283 and 1999 Wisconsin Act (this act), is repealed and recreated to read:

15 302.095 (2) Any officer or other person who delivers or procures to be delivered
16 or has in his or her possession with intent to deliver to any inmate confined in a jail
17 or prison, or who deposits or conceals in or about a jail or prison, or the precincts of
18 a jail or prison, or in any vehicle going into the premises belonging to a jail or prison,
19 any article or thing whatever, with intent that any inmate confined in the jail or
20 prison shall obtain or receive the same, or who receives from any inmate any article
21 or thing whatever with intent to convey the same out of a jail or prison, contrary to
22 the rules or regulations and without the knowledge or permission of the sheriff or
23 other keeper of the jail, in the case of a jail, or of the warden or superintendent of the
24 prison, in the case of a prison, shall be imprisoned for not more than 3 years or fined
25 not more than \$500.

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1 **SECTION 131.** 302.13 of the statutes is amended to read:

2 **302.13 Preservation of property an inmate brings to prison.** The
3 department shall preserve money and effects, except clothes, in the possession of an
4 inmate when admitted to the ~~prison~~ Wisconsin state prisons and, subject to the crime
5 victim and witness assistance surcharge under s. 973.045 (4) and the
6 deoxyribonucleic acid analysis surcharge under s. 973.046, shall restore the money
7 and effects to the inmate when discharged.

8 **SECTION 132.** 302.15 of the statutes is amended to read:

9 **302.15 Activities off grounds.** The wardens and superintendents of the state
10 prisons, ~~and~~ all wardens and superintendents of county prisons, jails, camps and
11 houses of correction enumerated in ch. 303, ~~and the warden or superintendent of a~~
12 private prison may take inmates away from the institution grounds for rehabilitative
13 and educational activities approved by the department and under such supervision
14 as the superintendent or warden deems necessary. While away from the institution
15 grounds an inmate is deemed to be under the care and control of the institution in
16 which he or she is an inmate and subject to its rules and discipline.

17 **SECTION 133.** 302.17 (1) of the statutes is amended to read:

18 302.17 (1) ~~When any inmate is received into any state penal institution the~~
19 department receives a prisoner committed to its custody, the department shall
20 register the date of admission, the name, age, nativity and nationality and such other
21 facts as may be obtained as to parentage, education and previous history and
22 environments of such inmate.

23 **SECTION 134.** 302.18 (2) of the statutes is amended to read:

24 302.18 (2) Inmates of a county house of correction may be transferred to a state
25 prison. If any county discontinues its house of correction, inmates at the time of the

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1 discontinuance may be transferred to ~~the state~~ a prison or to the county jail of the
2 county as the commitment indicates.

3 **SECTION 135.** 302.18 (4) of the statutes is amended to read:

4 302.18 (4) With each person transferred to a state prison from another
5 institution, the warden or superintendent of such other institution shall transmit
6 the original commitment and the institutional record pertaining to such person.

7 **SECTION 136.** 302.18 (5) of the statutes is amended to read:

8 302.18 (5) Any person who is legally transferred by the department to a ~~penal~~
9 correctional institution shall be subject to the same statutes, regulations and
10 discipline as if the person had been originally sentenced to that institution, but the
11 transfer shall not change the term of sentence.

12 **SECTION 137.** 302.255 of the statutes is amended to read:

13 **302.255 Interstate corrections compact; additional applicability.**
14 “Inmate”, as defined under s. 302.25 (2) (a), includes persons subject to an order
15 under s. 48.366 who are confined to a state prison under ~~s. 302.01~~ and persons subject
16 to an order under s. 938.34 (4h) who are 17 years of age or older.

17 **SECTION 138.** 302.26 of the statutes is amended to read:

18 **302.26 Corrections compact; contracts with other states; approval.**
19 The secretary is responsible for performing all functions necessary or incidental to
20 carrying out the requirements of the interstate corrections compact under s. 302.25.
21 The secretary may delegate and redelegate any of the functions as provided in s.
22 15.02 (4). If a contract under s. 301.21 or 302.25 involves the transfer of more than
23 10 prisoners in any fiscal year to any one state ~~or to~~ any one political subdivision of
24 another state or any one private prison, the contract may be entered into only if it
25 is approved by the legislature by law or by the joint committee on finance.

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1 **SECTION 139.** 302.27 of the statutes is amended to read:

2 **302.27 Contracts for temporary housing for or detention of prisoners.**

3 The department may contract with local governments for temporary housing or
4 detention in county jails or county houses of correction for persons sentenced to
5 imprisonment in the Wisconsin state prisons or to the intensive sanctions program.

6 The rate under any such contract may not exceed \$60 per person per day. Nothing
7 in this section limits the authority of the department to place persons in jails under
8 s. 301.048 (3) (a) 1.

9 **SECTION 140.** 302.28 of the statutes is created to read:

10 **302.28 Private prisons; limitation.** A private person operating a private
11 prison in this state may confine in that prison only prisoners transferred to the prison
12 pursuant to a contract under s. 301.21 (3).

13 **SECTION 141.** 302.31 of the statutes is amended to read:

14 **302.31 Use of jails.** The county jail may be used for the detention of persons
15 charged with crime and committed for trial; for the detention of persons committed
16 to secure their attendance as witnesses; to imprison persons committed pursuant to
17 a sentence or held in custody by the sheriff for any cause authorized by law; for the
18 detention of persons sentenced to imprisonment in the Wisconsin state penal
19 ~~institutions~~ prisons or a county house of correction, until they are removed to those
20 institutions; for the detention of persons participating in the intensive sanctions
21 program; for the temporary detention of persons in the custody of the department;
22 and for other detentions authorized by law. The county jail may be used for the
23 temporary placement of persons in the custody of the department, other than persons
24 under 17 years of age, and persons who have attained the age of 17 years but have
25 not attained the age of 25 years who are under the supervision of the department

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1 under s. 48.366 or 938.355 (4) and who have been taken into custody pending
2 revocation of aftercare supervision under s. 48.366 (5) or 938.357 (5) (e).

3 **SECTION 142.** 302.33 (1) of the statutes is amended to read:

4 302.33 (1) The maintenance of persons who have been sentenced to the
5 Wisconsin state penal institutions prisons; persons in the custody of the department,
6 except as provided in sub. (2) and s. 301.048 (7); persons accused of crime and
7 committed for trial; persons committed for the nonpayment of fines and expenses;
8 and persons sentenced to imprisonment therein, while in the county jail, shall be
9 paid out of the county treasury. No claim may be allowed to any sheriff for keeping
10 or boarding any person in the county jail unless the person was lawfully detained
11 therein.

12 **SECTION 143.** 302.385 of the statutes is amended to read:

13 **302.385 Correctional institution health care.** The standards for delivery
14 of health services in state correctional institutions governed under s. 301.02 and
15 private prisons shall be based on the standards of any professional organization that
16 establishes standards for health services in prisons and that is recognized by the
17 department.

18 **SECTION 144.** 302.386 (1) of the statutes is amended to read:

19 302.386 (1) Except as provided in sub. (5), liability for medical and dental
20 services furnished to residents housed in ~~prisons identified in s. 302.01~~ a prison or
21 in a secured correctional facility as defined in s. 938.02 (15m), or in a secured child
22 caring institution, as defined in s. 938.02 (15g), or to forensic patients in state
23 institutions for those services which are not provided by employes of the department
24 shall be limited to the amounts payable under ss. 49.43 to 49.47, except s. 49.468, for
25 similar services. The department may waive any such limit if it determines that

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1 needed services cannot be obtained for the applicable amount. No provider of
2 services may bill the resident or patient for the cost of services exceeding the amount
3 of the liability under this subsection.

4 **SECTION 145.** 302.386 (2) (intro.) of the statutes is amended to read:

5 302.386 (2) (intro.) The liability of the state for medical and dental services
6 under sub. (1) does not extend to that part of the medical or dental services of a
7 resident housed in a prison ~~identified in s. 302.01~~, a secured correctional facility as
8 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02
9 (15g), for which any of the following applies:

10 **SECTION 146.** 302.386 (3) (a) of the statutes is amended to read:

11 302.386 (3) (a) Except as provided in par. (b), the department may require a
12 resident housed in a prison ~~identified in s. 302.01~~ or in a secured correctional facility
13 as defined in s. 938.02 (15m) who earns wages during residency and who receives
14 medical or dental services to pay a deductible, coinsurance, copayment or similar
15 charge upon the medical or dental service that he or she receives. The department
16 shall collect the allowable deductible, coinsurance, copayment or similar charge.

17 **SECTION 147.** 302.45 (1) of the statutes is amended to read:

18 302.45 (1) The department and any county or group of counties may contract
19 for the cooperative establishment and use of state–local shared correctional
20 facilities. Inmates sentenced to the Wisconsin state prisons, a county jail, a county
21 reforestation camp or a county house of correction may be transferred to a shared
22 facility by the department, sheriff or superintendent, respectively, under the
23 agreement covering use of the facility. Any inmate confined in a state–local shared
24 correctional facility shall be deemed to be serving time in the penal correctional
25 institution to which he or she was sentenced and shall be eligible to earn good time

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1 credit against his or her sentence as provided under ss. 302.11, 302.12; 302.43;,
2 303.07 and 303.19 for that institution.

3 **SECTION 148.** 303.06 (1) of the statutes is amended to read:

4 303.06 (1) Except as authorized in this section, no goods, except farm
5 machinery, farm implements and tools, cordage rope and ply goods, manufactured
6 wholly or partly by inmates in any state, city or county ~~penal~~ correctional institution
7 may be offered for sale in the open market.

8 **SECTION 149.** 303.06 (5) of the statutes is amended to read:

9 303.06 (5) A tax-supported institution or a nonprofit agency may offer for sale
10 in the open market products manufactured in whole or in part by inmates in a state
11 ~~penal~~ correctional institution as part of a hobby-craft program or vocational training
12 if the purpose of the sale is to support the institution's or agency's mission or is for
13 some other charitable purpose and if the sale of that product or type of product has
14 been approved by the prison industries board under s. 303.015 (1) (e).

15 **SECTION 150.** 303.065 (1) (a) of the statutes is amended to read:

16 303.065 (1) (a) Except as provided in par. (b), the department may grant work
17 release privileges to any person incarcerated ~~within the state prisons~~ in a prison.

18 **SECTION 151.** 303.065 (3) of the statutes is amended to read:

19 303.065 (3) The department shall designate and adapt facilities of the state
20 prisons for the purpose of quartering inmates with work release privileges or it may
21 arrange and contract for other facilities, including portions of county jails for inmates
22 employed in the area. An inmate with work release privileges placed in facilities
23 outside a state prison shall be liable for the cost of the inmate's room, board, clothing
24 and other necessary expenses incident to the inmate's employment or placement
25 unless other means of payment are approved by the department. No inmate shall

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1 be granted work release privileges until such suitable quarters have been provided
2 in the area of accepted or proffered employment, or educational or training
3 placement.

4 **SECTION 152.** 303.07 (3) of the statutes is amended to read:

5 303.07 (3) Each prisoner serving a sentence under this section who could have
6 been sentenced to a the Wisconsin state prison prisons is subject to s. 302.11 (1), (1g),
7 (1q) and (2). Each prisoner serving such a sentence may be transferred to a state
8 prison upon recommendation of the superintendent and approval of the department.
9 The county board may, pursuant to its regulations approved by the department,
10 extend to all other prisoners similar pecuniary earnings and rewards, subject to
11 similar conditions and limitations as those prescribed by s. 302.12 for prisoners ~~in~~
12 sentenced to the Wisconsin state prisons.

13 **SECTION 153.** 303.19 (4) of the statutes is amended to read:

14 303.19 (4) The county board may, pursuant to its regulations approved by the
15 department, extend to those prisoners similar pecuniary earnings and rewards,
16 subject to similar conditions and limitations as those prescribed by s. 302.12 for
17 prisoners ~~in~~ sentenced to the Wisconsin state prisons.

18 **SECTION 154.** 303.21 (1) (a) of the statutes is amended to read:

19 303.21 (1) (a) If an inmate of a state correctional institution or private prison,
20 in the performance of assigned work is injured so as to be permanently incapacitated
21 or to have materially reduced earning power, the inmate may, upon being released
22 from such institution, either upon release on parole or extended supervision or upon
23 final discharge, be allowed and paid such compensation as the department of
24 workforce development finds the inmate entitled to. The inmate shall be
25 compensated on the same basis as if the injury had been covered by ch. 102, except

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1 that the total paid to any inmate may not exceed \$10,000 and may be paid in
2 instalments. If the injury results from employment in a prison industry, the payment
3 shall be made from the revolving appropriation for its operation. If there is no
4 revolving appropriation, payment shall be made from the general fund. In case of
5 dispute, the procedure for hearing, award and appeal shall be as set forth in ss.
6 102.16 to 102.26.

7 **SECTION 155.** 304.06 (1) (b) of the statutes is amended to read:

8 304.06 (1) (b) Except as provided in sub. (1m) or s. 302.045 (3), 961.49 (2),
9 973.01 (6) or 973.0135, the parole commission may parole ~~an inmate of a person~~
10 sentenced to the Wisconsin state prisons or any felon or any person serving at least
11 one year or more in a county house of correction or a county reforestation camp
12 organized under s. 303.07, when he or she has served 25% of the sentence imposed
13 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62
14 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an
15 inmate serving a life term when he or she has served 20 years, as modified by the
16 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if
17 applicable. The person serving the life term shall be given credit for time served prior
18 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
19 secretary may grant special action parole releases under s. 304.02. The department
20 or the parole commission shall not provide any convicted offender or other person
21 sentenced to the department's custody any parole eligibility or evaluation until the
22 person has been confined at least 60 days following sentencing.

23 **SECTION 156.** 304.071 (1) of the statutes is amended to read:

24 304.071 (1) The parole commission may at any time grant a parole to any
25 ~~prisoner in any penal institution of this~~ prisoner serving a sentence to the Wisconsin state

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1 prisons, or the department may at any time suspend the supervision of any person
2 who is on probation or parole to the department, if the prisoner or person on
3 probation or parole is eligible for induction into the U.S. armed forces. The
4 suspension of parole or probation shall be for the duration of his or her service in the
5 armed forces; and the parole or probation shall again become effective upon his or
6 her discharge from the armed forces in accordance with regulations prescribed by the
7 department. If he or she receives an honorable discharge from the armed forces, the
8 governor may discharge him or her and the discharge has the effect of a pardon.
9 Upon the suspension of parole or probation by the department, the department shall
10 issue an order setting forth the conditions under which the parole or probation is
11 suspended, including instructions as to where and when and to whom the paroled
12 person shall report upon discharge from the armed forces.

13 **SECTION 157.** 304.115 of the statutes is amended to read:

14 **304.115 Emergency removal.** When an emergency exists which in the
15 opinion of the secretary makes it advisable, the secretary may permit the temporary
16 removal of a convicted person for such period and upon such conditions as the
17 secretary determines. The secretary may delegate this authority to the deputy and,
18 the wardens and superintendents of the state prisons and the warden or
19 superintendent of a private prison.

20 **SECTION 158.** 447.06 (2) (a) 4. of the statutes is amended to read:

21 447.06 **(2)** (a) 4. For a facility, as defined in s. 50.01 (1m), a hospital, as defined
22 in s. 50.33 (2), a state or federal prison, county jail or other federal, state, county or
23 municipal correctional institution or detention facility, or a facility established to
24 provide care for terminally ill patients.

25 **SECTION 159.** 782.03 of the statutes is amended to read:

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1 **782.03 Petition for writ.** Application for the writ shall be by petition, signed
2 either by the prisoner or by some person in his or her behalf, and may be made to the
3 supreme court, the court of appeals or the circuit court of the county, or to any justice
4 or judge of the supreme court, court of appeals or circuit court or to any court
5 commissioner, within the county where the prisoner is detained; or if there is no
6 judge within the county, or for any cause he or she is incapable of acting, or has
7 refused to grant the writ, then to some judge residing in an adjoining county; but
8 every application, made by or on behalf of a person sentenced to the Wisconsin state
9 prisons, must contain a copy of any motion made under s. 974.06 and shall indicate
10 the disposition of the motion and the court in which the disposition was made. If no
11 motion was made, the petition shall so state.

12 **SECTION 160.** 782.45 (title) of the statutes is amended to read:

13 **782.45 (title) Witness fees, inmates of state certain institutions.**

14 **SECTION 161.** 782.45 (1) of the statutes is amended to read:

15 782.45 (1) If an inmate of any public institution or private prison operating
16 under a contract under s. 301.21 (3) is brought into court in response to a writ of
17 habeas corpus or subpoena, the institution or private prison shall be reimbursed for
18 the time of the officer conducting the inmate and the actual and necessary traveling
19 expenses incurred in taking the inmate into court on the process and returning the
20 inmate to the institution or private prison. The superintendent of the institution or
21 private prison shall file with the clerk of the court a statement of the expenses. The
22 clerk shall certify the expenses to the county treasurer, who shall pay to the
23 superintendent of the institution or private prison the amount so certified, but in a
24 civil action, such expenses shall be paid by the party requesting the presence of the
25 inmate.

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1 **SECTION 162.** 782.45 (2) of the statutes is amended to read:

2 782.45 (2) In lieu of the procedure under sub. (1) the department of health and
3 family services and the department of corrections, upon 48 hours' advance notice,
4 shall release to any sheriff having a suitable jail approved by the department of
5 corrections for this purpose any prisoner upon presentation of a writ of habeas corpus
6 to the warden or superintendent of the institution or private prison which is
7 detaining the inmate. The sheriff shall be informed in advance where the sheriff may
8 assume custody of the inmate and the sheriff then shall be in charge of the inmate
9 and be responsible for the inmate's custody. During the time that an inmate is absent
10 from the state institution or private prison and in the custody of the sheriff the
11 inmate shall be entitled to credit for time served on the existing sentence and such
12 credit under s. 302.11 that he or she was eligible to receive while an inmate of the
13 state institution or private prison. The sheriff shall be responsible for segregating
14 the inmate in the jail from other prisoners and the county shall be liable for all
15 expenses attendant to his or her detention including medical care. The inmate while
16 in the custody of the sheriff shall not be permitted to have visitors or to receive mail
17 except as authorized and approved by the warden or superintendent of the state
18 institution or private prison which formerly detained the inmate but shall be entitled
19 to confer with counsel during reasonable hours without restriction. After the court
20 has determined that the inmate is no longer needed or required, the sheriff shall
21 promptly return the inmate to the institution or private prison to which detained
22 prior to the release to the sheriff for appearance in court.

23 **SECTION 163.** 801.02 (7) (a) 1. of the statutes is amended to read:

24 801.02 (7) (a) 1. "Correctional institution" means any state ~~or~~, local or private
25 facility that incarcerates or detains any adult accused of, charged with, convicted of,

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1 or sentenced for any crime. A correctional institution includes a Type 1 prison, as
2 defined in s. 301.01 (5), a Type 2 prison, as defined in s. 301.01 (6), a private prison
3 operating under a contract under s. 301.21 (3), a county jail and a house of correction.

4 **SECTION 164.** 813.02 (1) (c) 1. of the statutes is amended to read:

5 813.02 (1) (c) 1. ~~The~~ If the case involves a prisoner in a correctional institution,
6 as defined in s. 801.02 (7) (a) 1., the court may not issue the injunction until giving
7 notice and an opportunity to be heard on the request for a preliminary injunction to
8 all interested parties, including the attorney general, ~~if the case involves a prisoner~~
9 ~~in a state~~ correctional institution, as defined in s. 801.02 (7) (a) 1. is operated by the
10 state or is a private prison operating under a contract under s. 301.21 (3), or to the
11 attorney representing the local correctional institution ~~involved and to all other~~
12 ~~interested parties, if the correctional institution is operated by a political subdivision~~
13 of the state. Any injunction issued without giving notice and an opportunity to be
14 heard is void.

15 **SECTION 165.** 938.183 (3) of the statutes is amended to read:

16 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.
17 (1m) or (2) attains the age of 17 years, the department may place the juvenile in a
18 state prison ~~named in s. 302.01~~. If a juvenile who is subject to a criminal penalty
19 under sub. (1m) or (2) is 15 years of age or over, the department may transfer the
20 juvenile to the Racine youthful offender correctional facility named in s. 302.01 as
21 provided in s. 938.357 (4) (d). A juvenile who is subject to a criminal penalty under
22 sub. (1m) or (2) for an act committed before December 31, 1999, is eligible for parole
23 under s. 304.06.

24 **SECTION 166.** 938.78 (2) (d) 3. of the statutes is amended to read:

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1 938.78 (2) (d) 3. Subject to an order under s. 48.366 or 938.183 and placed in
2 a state prison under s. 48.366 (8) or 938.183.

3 **SECTION 167.** 938.992 (3) of the statutes is amended to read:

4 938.992 (3) Notwithstanding s. 938.991 (3) (b), “delinquent juvenile” does not
5 include a person subject to an order under s. 48.366 who is confined to a state prison
6 ~~under s. 302.01~~ or a person subject to an order under s. 938.34 (4h) who is 17 years
7 of age or over.

8 **SECTION 168.** 939.62 (3) (b) of the statutes is amended to read:

9 939.62 (3) (b) In case of crimes committed in other jurisdictions, the terms do
10 not include those crimes which are equivalent to motor vehicle offenses under chs.
11 341 to 349 or to offenses handled through proceedings in the court assigned to
12 exercise jurisdiction under chs. 48 and 938. Otherwise, felony means a crime which
13 under the laws of that jurisdiction carries a prescribed maximum penalty of
14 imprisonment in a prison ~~or penitentiary~~ for one year or more. Misdemeanor means
15 a crime which does not carry a prescribed maximum penalty sufficient to constitute
16 it a felony and includes crimes punishable only by a fine.

17 **SECTION 169.** 940.20 (1) of the statutes is amended to read:

18 940.20 (1) BATTERY BY PRISONERS. Any prisoner confined to a state prison ~~or~~
19 ~~other~~, a state, county or municipal detention facility or a private prison operating
20 under a contract under s. 301.21 (3) who intentionally causes bodily harm to an
21 officer, employe, visitor or another inmate of such prison, facility or institution,
22 without ~~his or her~~ the consent of the person injured, is guilty of a Class D felony.

23 **SECTION 170.** 940.29 of the statutes is amended to read:

24 **940.29 Abuse of residents of penal facilities correctional institutions.**

25 Any person in charge of or employed in a ~~penal or~~ correctional institution or other

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1 place of confinement who abuses, neglects or ill-treats any person confined in or a
2 resident of any such institution or place or who knowingly permits another person
3 to do so is guilty of a Class E felony.

4 **SECTION 171.** 941.237 (1) (b) of the statutes is amended to read:

5 941.237 (1) (b) “Correctional officer” means any person employed by the state
6 ~~or, by any political subdivision of the state or by a private prison operating under a~~
7 contract under s. 301.21 (3) as a guard or officer whose principal duties are the
8 supervision and discipline of inmates.

9 **SECTION 172.** 946.43 of the statutes is amended to read:

10 **946.43 Assaults by prisoners.** Any prisoner confined to a state prison ~~or~~
11 ~~other, a state, county or municipal detention facility~~ or a private prison operating
12 under a contract under s. 301.21 (3) who intentionally does any of the following is
13 guilty of a Class C felony:

14 (1) Places an officer, employe, visitor or another inmate of such prison, facility
15 or institution in apprehension of an immediate battery likely to cause death or great
16 bodily harm; or

17 (2) Confines or restrains an officer, employe, visitor or another inmate of such
18 prison, facility or institution without the person’s consent.

19 **SECTION 173.** 946.44 (2) (c) of the statutes is amended to read:

20 946.44 (2) (c) “Institution” includes a private prison operating under a contract
21 under s. 301.21 (3), a secured correctional facility, as defined in s. 938.02 (15m), a
22 secured child caring institution, as defined in s. 938.02 (15g), and a Type 2 child
23 caring institution, as defined in s. 938.02 (19r).

24 **SECTION 174.** 946.45 (2) (c) of the statutes is amended to read:

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1 946.45 (2) (c) “Institution” includes a private prison operating under a contract
2 under s. 301.21 (3), a secured correctional facility, as defined in s. 938.02 (15m), a
3 secured child caring institution, as defined in s. 938.02 (15g), and a Type 2 child
4 caring institution, as defined in s. 938.02 (19r).

5 **SECTION 175.** 946.47 (2) (b) of the statutes is amended to read:

6 946.47 (2) (b) A person who commits an act within the jurisdiction of another
7 state which is punishable by imprisonment for one year or more in a state prison or
8 penitentiary under the law of that state and would, if committed in this state,
9 constitute a felony under the law of this state.

10 **SECTION 176.** 946.73 of the statutes is amended to read:

11 **946.73 Penalty for violating laws governing state or county**
12 **institutions or private prisons.** Whoever violates any state law or any lawful rule
13 made pursuant to state law governing state fair park or any state or county
14 charitable, curative, reformatory, or ~~penal~~ correctional institution while within the
15 same or the grounds thereof is guilty of a Class C misdemeanor.

16 **SECTION 177.** 948.50 (4) (a) of the statutes is amended to read:

17 948.50 (4) (a) Is serving a sentence, pursuant to a conviction, in a jail, state
18 prison or house of correction.

19 **SECTION 178.** 950.04 (1v) (v) of the statutes is amended to read:

20 950.04 (1v) (v) To have the department of corrections make a reasonable
21 attempt to notify the victim under s. 301.046 (4) regarding community residential
22 confinements, under s. 301.048 (4m) regarding participation in the intensive
23 sanctions program, under s. 301.38 regarding escapes from a Type 1 prison or a
24 private prison, under s. 301.46 (3) regarding persons registered under s. 301.45,
25 under s. 302.115 regarding release upon expiration of certain sentences, under s.

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1 304.063 regarding extended supervision and parole releases, and under s. 938.51
2 regarding release or escape of a juvenile from correctional custody.

3 **SECTION 179.** 961.01 (12m) (am) of the statutes is created to read:

4 961.01 **(12m)** (am) A private prison operating under a contract under s. 301.21
5 (3).

6 **SECTION 180.** 961.48 (2) of the statutes is amended to read:

7 961.48 **(2)** If any person is charged under sub. (2m) with a 2nd or subsequent
8 offense under this chapter that is specified in s. 961.41 (1) (cm), (d), (e), (f), (g) or (h),
9 (1m) (cm), (d), (e), (f), (g) or (h) or (3g) (a) 2., (c), (d) or (e), and he or she is convicted
10 of that 2nd or subsequent offense, any applicable minimum and maximum fines and
11 minimum and maximum periods of imprisonment under s. 961.41 (1) (cm), (d), (e),
12 (f), (g) or (h), (1m) (cm), (d), (e), (f), (g) or (h) or (3g) (a) 2., (c), (d) or (e) are doubled.
13 A person convicted of a 2nd or subsequent offense under s. 961.41 (3g) (c), (d) or (e)
14 is guilty of a felony and the person may be imprisoned in the Wisconsin state prison
15 prisons.

16 **SECTION 181.** 968.255 (7) (a) of the statutes is amended to read:

17 968.255 **(7)** (a) Is serving a sentence, pursuant to a conviction, in a jail, state
18 prison or house of correction.

19 **SECTION 182.** 971.11 (1) of the statutes is amended to read:

20 971.11 **(1)** Whenever the ~~warden or superintendent~~ department receives notice
21 of an untried criminal case pending in this state against an inmate of a state prison,
22 the ~~warden or superintendent~~ department shall, at the request of the inmate, send
23 by certified mail a written request to the district attorney for prompt disposition of
24 the case. The request shall state the sentence then being served, the date of parole
25 eligibility, if applicable, or the date of release to extended supervision, the

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1 approximate discharge or conditional release date, and prior decision relating to
2 parole. If there has been no preliminary examination on the pending case, the
3 request shall state whether the inmate waives such examination, and, if so, shall be
4 accompanied by a written waiver signed by the inmate.

5 **SECTION 183.** 971.11 (2) of the statutes is amended to read:

6 971.11 (2) If the crime charged is a felony, the district attorney shall either
7 move to dismiss the pending case or arrange a date for preliminary examination as
8 soon as convenient and notify the ~~warden or superintendent of the prison thereof~~
9 department, unless such examination has already been held or has been waived.
10 After the preliminary examination or upon waiver thereof, the district attorney shall
11 file an information, unless it has already been filed, and mail a copy thereof to the
12 ~~warden or superintendent~~ department for service on the inmate. The district
13 attorney shall bring the case on for trial within 120 days after receipt of the request
14 subject to s. 971.10.

15 **SECTION 184.** 973.013 (3m) of the statutes is amended to read:

16 973.013 (3m) If a person who has not attained the age of 16 years is sentenced
17 to the Wisconsin state prisons, the department of corrections shall place the person
18 at a secured juvenile correctional facility or a secured child caring institution, unless
19 the department of corrections determines that placement in ~~an institution under s.~~
20 ~~302.01~~ a prison is appropriate based on the person's prior record of adjustment in a
21 correctional setting, if any; the person's present and potential vocational and
22 educational needs, interests and abilities; the adequacy and suitability of available
23 facilities; the services and procedures available for treatment of the person within
24 the various institutions; the protection of the public; and any other considerations
25 promulgated by the department of corrections by rule. This subsection does not

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1 preclude the department of corrections from designating an adult correctional
2 institution as a reception center for the person and subsequently transferring the
3 person to a secured juvenile correctional facility or a secured child caring institution.
4 Section 302.11 and ch. 304 apply to all persons placed in a secured juvenile
5 correctional facility or a secured child caring institution under this subsection.

6 **SECTION 185.** 973.0135 (2) (intro.) of the statutes is amended to read:

7 973.0135 (2) (intro.) Except as provided in sub. (3), when a court sentences a
8 prior offender to imprisonment in a the Wisconsin state ~~prison~~ prisons for a serious
9 felony committed on or after April 21, 1994, but before December 31, 1999, the court
10 shall make a parole eligibility determination regarding the person and choose one
11 of the following options:

12 **SECTION 186.** 973.03 (2) of the statutes is amended to read:

13 973.03 (2) A defendant sentenced to the Wisconsin state prisons and to a county
14 jail or house of correction for separate crimes shall serve all sentences, whether
15 concurrent or consecutive, in the state ~~prisons~~ prison.

16 **SECTION 187.** 973.045 (4) of the statutes is amended to read:

17 973.045 (4) If an inmate in a state prison or a person sentenced to a the
18 Wisconsin state ~~prison~~ prisons has not paid the crime victim and witness assistance
19 surcharge under this section, the department shall assess and collect the amount
20 owed from the inmate's wages or other moneys. Any amount collected shall be
21 transmitted to the state treasurer.

22 **SECTION 188.** 973.046 (4) of the statutes is amended to read:

23 973.046 (4) If an inmate in a state prison or a person sentenced to a the
24 Wisconsin state ~~prison~~ prisons has not paid the deoxyribonucleic acid analysis
25 surcharge under this section, the department shall assess and collect the amount

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1 owed from the inmate's wages or other moneys. Any amount collected shall be
2 transmitted to the state treasurer.

3 **SECTION 189.** 973.08 (1) of the statutes is amended to read:

4 973.08 (1) When any defendant is sentenced to the Wisconsin state prisons, a
5 copy of the judgment of conviction and a copy of any order for restitution under s.
6 973.20 shall be delivered by the officer executing the judgment to the warden or
7 superintendent of the institution when the prisoner is delivered.

8 **SECTION 190.** 973.18 (4) of the statutes is amended to read:

9 973.18 (4) The judge shall direct the defendant's counsel to confer with the
10 defendant before signing the form, during the proceeding or as soon thereafter as
11 practicable, and may make appropriate orders to allow the defendant to confer with
12 counsel before being transferred to the Wisconsin state ~~prison~~ prisons. The
13 defendant shall be given a copy of the form.

14 **SECTION 191.** 976.08 of the statutes is amended to read:

15 **976.08 Additional applicability.** In this chapter, "prisoner" includes any
16 person in a private prison operating under a contract under s. 301.21 (3), any person
17 subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin state
18 prison and any person subject to an order under s. 938.34 (4h) who is 17 years of age
19 or older.

20 **SECTION 192.** 990.01 (5w) of the statutes is created to read:

21 990.01 (5w) CORRECTIONAL INSTITUTION. "Correctional institution" includes a
22 prison, jail, house of correction and any other place of penal detention.

23 **SECTION 193.** 990.01 (30g) of the statutes is created to read:

