

**1999 DRAFTING REQUEST**

**Bill**

Received: **10/6/98**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Walker (608) 266-9180**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters: **olsenje**

Subject: **Correctional System - prisons**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Confinement of Prisoners in Private Facilities in Wisconsin

**Instructions:**

See Attached.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	champra 11/8/98			_____			
/P1	olsenje 12/20/98	jgeller 12/22/98	martykr 12/23/98	_____	lrb_docadmin 12/23/98		State
	olsenje 02/12/99	jgeller 02/12/99		_____			
/1			lpaasch 02/12/99	_____	lrb_docadmin 02/12/99	lrb_docadmin 03/2/99	
				_____	lrb_docadmin 03/1/99		

Vers.    Drafted    Reviewed    Typist    Proofed    Submitted    Jacketed    Required

FE Sent For:

<END>

→ 03-02-99  
(11")

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FE Sent For:

*1 3/2 jlg*

*2-11-99  
LT*

*2/11  
LP  
FES  
<ENDS>*

*Jacket "1" for Assembly*

*JOB*

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/?	champra 11/8/98 olsenje	PI Jlg 12/22	km 12/23	<del>OSJ</del> 12/23 km 12/23			

FE Sent For:

<END>



# Scott Walker

Wauwatosa's Representative in the Wisconsin State Assembly

To: Richard A. Champagne, Legislative Reference Bureau

From: Rep. Scott Walker

Date: September 23, 1998

Re: Legislative Drafting Requests for the 1999-2000 Session

Listed below you will find bills which were drafted for me during the past legislative session. I would like to reintroduce this legislation for the upcoming 1999-2000 session. Please refer to the corresponding LRB and bill numbers below. At this time the legislation can be drafted the same as it was last session.

If you have questions or comments, please call me at 6-9181. Thank you for your attention to this matter.

<u>Subject</u>	<u>Topic</u>	<u>LRB No.</u>	<u>Introduced</u>
• Gambling - lottery	Advisory referendum on the question of abolishing the state lottery	-2883/3	<u>As</u> AJR-56
• Correctional System - misc / prisons	Confinement on prisoners in private facilities in Wisconsin	-4033/1	AB-634





2

## 1997 ASSEMBLY BILL 634

December 2, 1997 - Introduced by Representatives WALKER, LADWIG, OTT, M. LEHMAN, GOETSCH, SYKORA, GUNDERSON, JENSEN, AINSWORTH, ALBERS, URBAN, LAZICH, KREIBICH, DUFF, F. LASEE, SCHAFER, HUTCHISON, FOTI, POWERS, GROTHMAN, JESKEWITZ, VRAKAS, OLSEN, KEDZIE, OWENS, HOVEN and HUEBSCH, cosponsored by Senators ZIEN, WEEDEN, A. LASEE, DARLING, FARROW and HUELSMAN. Referred to Committee on Corrections Facilities.

1     **AN ACT to amend** 301.21 (title) and 301.21 (2m) (a) (intro.) and 7. of the statutes;  
2             **relating to:** contracting with private persons for the placement of prisoners in  
3             this state or in any other state.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, the department of corrections (DOC) may contract with any 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 contract with any private person for the transfer and confinement *in this state or in any other state* of prisoners who have been committed to the custody of DOC.

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:*

4             **SECTION 1.** 301.21 (title) of the statutes, as affected by 1997 Wisconsin Act 27,  
5             is amended to read:

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

8             **SECTION 2.** 301.21 (2m) (a) (intro.) and 7. of the statutes, as created by 1997  
9             Wisconsin Act 27, are amended to read:

1           301.21 (2m) (a) (intro.) The department may enter into one or more contracts  
2 with a private person for the transfer and confinement in ~~another~~ this state or in any  
3 other state of prisoners who have been committed to the custody of the department.

4 Any such contract shall provide for all of the following:

5           7. The same standards of reasonable and humane care as the prisoners would  
6 receive in an appropriate Wisconsin state correctional institution.

7

(END)





# Wisconsin State Assembly

## FAX COVER SHEET

**ATTENTION: Mr. Jefren Olsen**

**FAX NUMBER: 4-8522**

**NUMBER OF PAGES (INCLUDING COVER SHEET): 10**

**FROM: REP. SCOTT WALKER: (608) 266-9180**

---

### COMMENTS:

**Jefren –**

**Sorry 'bout that – here's the stuff I mentioned in the memo. Again, feel free to call me with any questions.**

**Mark Grapentine**

Tommy G. Thompson  
Governor

Michael J. Sullivan  
Secretary



DEC 18 1997

Mailing Address  
149 East Wilson Street  
Post Office Box 7925  
Madison, WI 53707-7925  
Telephone (608) 266-2471

State of Wisconsin  
Department of Corrections

---

December 11, 1997

Representative Scott Walker  
State Capitol  
Room 308 North  
Madison, Wisconsin

Re: Private Prisons

Dear Representative Walker:

The issue of the siting and operation of private prisons in Wisconsin has become a matter of significant public discussion. There is no doubt that any correctional facility, public or private, has the potential to be of significant economic benefit to the community in which it is located. Prisons also have the potential of being an economic burden. I believe there are a number of factors, in particular related to new legislation, the physical plant and the operation, that ought to be considered by those who have an interest in or will be affected by a private prison. The following list of suggestions and points to consider is not intended to be inclusive, but hopefully will stimulate further discussion of this important issue.

LEGISLATION

- Operator must have an operational license issued by DOC pursuant to administrative rules
- Wisconsin is immune from liability resulting from acts or omissions of the operator or inmates
- Operator has legal and physical custody under Wisconsin law for inmates in accordance with the law of the jurisdiction in which the sentence was imposed
- Conduct of operator is a crime if same conduct committed by a Sheriff or DOC employee is a crime

Representative Scott Walker  
December 11, 1997  
Page 2

### BUILDING

- Meet all building codes as established by the Department of Commerce
- Meet all zoning and municipal ordinances
- Construction suitable for the type of inmate confined - external and internal security
- Consideration of environmental impact of construction and operations
- American Correctional Association accreditation

### CORRECTIONAL SERVICES

#### *Financial Responsibility*

- Liability insurance
- Performance bonds
- Reimbursement accounts (law enforcement, judiciary)
- Reimbursement for monitoring and license compliance

#### *Operational track record*

- ACA accreditation
- Audited financial statement for previous 5 years

#### *Staff*

- Recruit/selection process designed to ensure qualified employees
- Training and retraining requirements consistent with Wisconsin standards
- Supervisor/subordinate ratios
- Employee/inmate ratios
- Prevailing wage/benefit package
- No strike provision of any collective bargaining agreement

#### *Program requirements/standards*

- Inmate discipline/complaint process
- Health/hospitalization
- Opportunity for religious programming
- Food service/canteen
- Recreation/out of cell time
- Inmate work, vocational and academic education

Representative Scott Walker  
December 11, 1997  
Page 3

*Inmates*

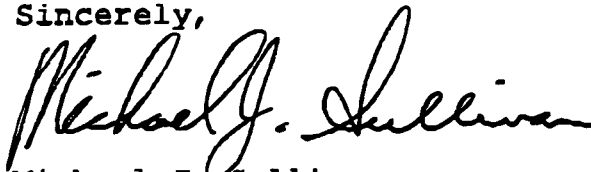
- Security classification system
- Restrictions on certain types of inmates
- No inmate may leave the institution except for court, emergency medical reasons, or transportation out of the state
- No inmate may be released from the institution into Wisconsin

*Public Impacts*

- Effect of the prison operation on law enforcement
- Effect of the prison operation on the judicial system
- Effect of the prison operation on other public service such as fire safety

I will be happy to be of whatever assistance I can be to you or others in addressing this important problem.

Sincerely,



Michael J. Sullivan  
Secretary



DEC 10 1997

---

**WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM**

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One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536  
Telephone (608) 266-1304  
Fax (608) 266-3830

---

**DATE:** December 10, 1997  
**TO:** REPRESENTATIVE SCOTT WALKER  
**FROM:** Anne Sappenfield, Staff Attorney  
**SUBJECT:** Establishment of Private Prison Facilities in Wisconsin

This memorandum, prepared at the request of Mark Grapentine of your staff, discusses whether the construction and operation of a private prison facility in Wisconsin is authorized under current law. Specifically, the memorandum discusses the following: (a) whether the state may transfer prisoners to a private prison facility in this state; (b) whether a private firm may construct a private prison in Wisconsin; (c) whether the state may operate a prison facility which is owned by a private firm; and (d) whether a private prison facility may be leased to a county or operated by a county.

**A. TRANSFER OF WISCONSIN PRISONERS TO A PRIVATE PRISON IN WISCONSIN**

Under current law, the Department of Corrections (DOC) does not have the authority to transfer prisoners to a private prison in Wisconsin.

Under current law, if an individual is sentenced to be imprisoned for more than one year, the place of imprisonment is the Wisconsin state prisons. [s. 973.02, Stats.] Current law defines "state prison" narrowly. Specifically, "state prison" is defined as the current correctional institutions, such as the Waupun Correctional Institution and the Dodge Correctional Institution; correctional institutions for which there is current statutory authority to construct; the place where a prisoner who is participating in the Community Residential Confinement Program is placed; the place where a prisoner who is participating in the Intensive Sanctions Program is placed; and state-local shared correctional institutions established pursuant to current law. [s. 302.01, Stats.]

An inmate of a prison may be transferred to another prison or a state-local shared correctional facility. In addition, 1997 Wisconsin Act 27, the Biennial Budget Act, created s. 301.21 (2m); Stats., which authorizes the DOC to enter into one or more contracts with a "private person" for the transfer and confinement *in another state* of prisoners who have committed to the custody of the DOC. Any such contract must provide for:

- 2 -

1. A termination date.
2. Provisions concerning the costs of prisoner maintenance, extraordinary medical and dental expenses, participation in and receipt by prisoners of rehabilitative or correctional services, facilities, programs or treatment, including those costs not reasonably included as part of normal maintenance.
3. Provisions concerning any participation in programs of prisoner employment, if any; the disposition and crediting of any payments received by prisoners on account of employment; and the crediting of proceeds from or disposal of any products resulting from employment.
4. Delivery and retaking of prisoners.
5. Regular reporting procedures concerning Wisconsin prisoners by the private person with which the DOC is contracting.
6. Provisions concerning procedures for probation, parole and discharge.
7. The same standards of "reasonable and humane care" as the prisoners would receive in an appropriate Wisconsin institution.
8. Any other matters as are necessary and appropriate to fix the obligations, responsibilities and rights of Wisconsin and the private person with whom the DOC is contracting.

While in an institution in another state covered by a contract, Wisconsin prisoners are subject to all provisions, laws and regulations concerning the confinement of persons in that institution under the laws of that state.

You introduced 1997 Assembly Bill 634 on December 2, 1997 to extend the above provision to permit the DOC to enter into contracts with a private person for the transfer and confinement *in this state* of prisoners who have been committed to the custody of the DOC under the conditions described above. This Bill would permit the transfer of Wisconsin prisoners to a private prison. However, in permitting such transfers, you may wish to consider the following issues:

1. Under s. 301.29 (2), Stats., prison superintendents and the employees under them to whom they delegate police powers may arrest persons on prison grounds and have other law enforcement authority. Also, s. 301.28, Stats., requires training for correctional officers. You may wish to confer law enforcement authority to and require training for private prison personnel.

2. Under s. 301.03 (2), Stats., the DOC is responsible for supervising the custody of all prisoners. In addition, under s. 301.36 (1), Stats., the DOC must investigate and supervise all state prisons. You may wish to give the DOC the same responsibilities with respect to private prisons.

3. Current ss. 51.20 and 51.37, Stats., relating to involuntary commitment or transfer of a prison inmate for treatment refer to *state* prisons. You may wish to amend these provisions to

- 3 -

clarify that inmates of a private prison may also be transferred to an appropriate facility for treatment of mental illness or drug or alcohol dependency.

4. It appears that s. 950.045, Stats., would not require a victim to be notified if a prisoner escaped from a private prison. *901.33*

5. It is not clear that s. 302.095 (2), Stats., which prohibits the delivery of an article or thing in violation of prison rules, would apply to a private prison. *Jove*

6. It appears that ss. 940.20 (1) and 946.43, Stats., prohibiting battery and assault by prisoners, would not apply to prisoners confined in a private prison.

### **B. CONSTRUCTION OF A PRIVATE PRISON**

It appears that under current law, if certain conditions are met, a private firm may construct a prison. However, as discussed in the previous and following sections of this memorandum, it is not clear that such a facility may be used as a prison.

Under current law, except for buildings constructed at the State Fair Park and the State Capitol Building, every building, structure or facility that is constructed for the benefit or use of the state or any state agency or department must be in compliance with all applicable state laws, rules, codes and regulations including the rules adopted for construction of facilities by the former Department of Industry, Labor and Human Relations (i.e., state building codes). These rules are now under the authority of the Department of Commerce. [chs. ILHR 50 to 64, Wis. Adm. Code.] Such a construction is *not* subject to the ordinances or regulations of the municipality in which the construction takes place *except* zoning. [s. 13.48 (13) (a), Stats.] Current law does exempt certain correctional facilities from municipal ordinances or regulations relating to zoning. [See ss. 301.046 (1), 301.048 (4) (b), 301.13, 301.16 (3) and 301.18 (2), Stats.] However, a prison constructed by a private firm would be subject to municipal ordinances or regulations relating to zoning absent a specific statutory exemption.

### **C. LEASE OR SALE OF A PRIVATE PRISON TO THE STATE**

Under current law, the state may not purchase or lease a prison unless an appropriation for that purpose is created by the Legislature.

Wisconsin Constitution, Article VIII, Section 2, provides, in part: "No money shall be paid out of the treasury except in pursuance of an appropriation by law . . . ." Appropriations for construction or purchase of state facilities are created in the Authorized State Building Program each biennium. Generally, the State Building Program is included in the biennial budget act and may be amended during the biennium through legislation. Specifically, current s. 20.924, Stats., provides in part:

(1) In supervising and authorizing the implementation of the state building program . . . the building commission:

(a) Shall authorize the design and construction of any building, structure or facility costing in excess of \$250,000 regardless of funding source, only if that project is enumerated in the authorized state building program.

(b) Shall authorize the acquisition of land, or the repair, remodeling or improvement to any existing building, structure or facility costing in excess of \$250,000, regardless of funding source, only if that project is enumerated in the authorized state building program . . . .

In addition, the lease of a correctional facility must be included in the State Building Program. Current s. 13.48 (27), Stats., provides:

**LEASE OF CORRECTIONAL FACILITIES.** The building commission may lease any facility for use of the department of corrections as a part of the authorized state building program, with an option to purchase the facility by the state. Any lease shall provide for the facility to be in accordance with requirements and specifications approved by the department of administration and shall permit inspection of the site and facility by agents of the department.

Therefore, in order for a private firm to sell or lease a prison to the state, the prison must be enumerated in the State Building Program. In addition, such a prison would have to comply with all appropriate zoning and building codes, as described above, and would have to meet the needs of the DOC for the appropriate type of facility. The prison's construction would also be subject to supervision by the Department of Administration.

#### **D. ESTABLISHMENT, LEASE OR OPERATION OF A PRIVATE PRISON BY A COUNTY**

It appears that a county may not establish, lease or operate a private prison under current law.

Under s. 59.51 (1), Stats.:

The board of each county shall have the authority to exercise any organizational or administrative power, subject only to the constitution and any enactment of the legislature which grants the organizational or administrative power to a county executive or county administrator or to a person supervised by a county executive or county administrator or any enactment which is of statewide concern and which uniformly affects every county. Any organizational or administrative power conferred under this subchapter shall be in addition to all other grants. A county board may exercise any organizational or administrative power under this subchapter without limitation because of enumeration, and these



powers shall be broadly and liberally construed and limited only by express language.

Case law has interpreted this authority of the county board to provide that "a county board has only such powers as are expressly conferred upon it or necessarily implied from the powers expressly given or from the nature of the grant of power." [*Town of Vernon v. Waukesha County*, 102 Wis. 2d 686, 689, 307 N.W.2d 227 (1981).]

It appears that the Legislature must specifically grant counties the power to establish, lease or operate a prison because nothing in current law appears to authorize a county to do so. Under current law, counties are authorized only to establish and operate jails and houses of correction. Under s. 302.21, Stats., a county jail may be used for the detention of persons charged with crime and committed for trial; committed to secure their attendance as witnesses; committed pursuant to a sentence or held in custody by the sheriff; sentenced to imprisonment in state penal institution or county houses of correction until they are removed to those institutions; participating in the Intensive Sanctions Program; and for other detentions authorized by law, including temporary detention of persons in the custody of the DOC. Generally, only persons sentenced to imprisonment for less than one year may be imprisoned in a county jail. Such persons may also be sentenced to a house of correction. [s. 303.18 (1), Stats.] Because a person who is sentenced to more than one year of imprisonment must be confined in a prison and a person who is sentenced to less than one year of imprisonment must be confined in a jail or house of correction under current law, it is clear that the Legislature has contemplated different functions for these facilities and a jail or house of correction may not be considered a "prison."

It also appears that even if a county were permitted under current law to establish or lease a prison, the county would not have the authority to contract with a private firm to operate the prison. The Attorney General has held, in two separate opinions, that a county may not privatize its incarceration functions. In the first opinion, the Attorney General concluded that a county may not privatize the jailer function of the sheriff's duties by contracting with a private firm for the care and custody of county prisoners held in a county jail. [770 OAG 94.] In the second opinion the Attorney General concluded that a county may not contract with a private firm to operate a house of correction. [96 OAG 1.] In the first opinion, the Attorney General found that the constitutional powers of the sheriff under s. 59.27 (1), Stats., to "[t]ake the charge and custody of the jail maintained by the county and the persons in the jail, and keep the persons in the jail personally or by deputy or jailer" prohibits a county from contracting away that duty absent specific authority from the Legislature. The second opinion concurred with the analysis in the first opinion and further stated that a separate and distinct reason for the conclusion that a house of correction may not be operated by a private firm is that the privatization of law and order functions relating to the incarceration of prisoners involved a matter exclusively or primarily of statewide concern and matters of statewide concern are governed by the Legislature. Specifically, the opinion said that:

If the legislature did not specifically confer a power, it is evidence of legislative intent not to permit the exercise of the power. (Citation omitted.) Specific legislation would be needed in order to permit counties to contract for the performance of incarceration

**functions associated with operating a house of correction because those functions involve matters of statewide concern.**

**If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices.**

**AS:jt:lah:ksm:rv:wu**

Search

- 1. ~~1000~~ "prison" <sup>or</sup> ~~5000~~ "prisons" ~~→ 122 hits~~  
~~"state prisoners"~~ not ~~annot~~ (386)
- 2. ~~only~~ correctional institution\* 239 hits  
~~prison\*~~

3. x-ref for  
~~Prisoner~~ defs  
 [type 1 prison] [up to eh 303]

X. confine\* [by word in escape statute  
 to prison\* → ~~119~~ 119 hits

~~5. prisoner not annot~~

prisons

~~prison~~

~~correctional~~

5. Corr officer

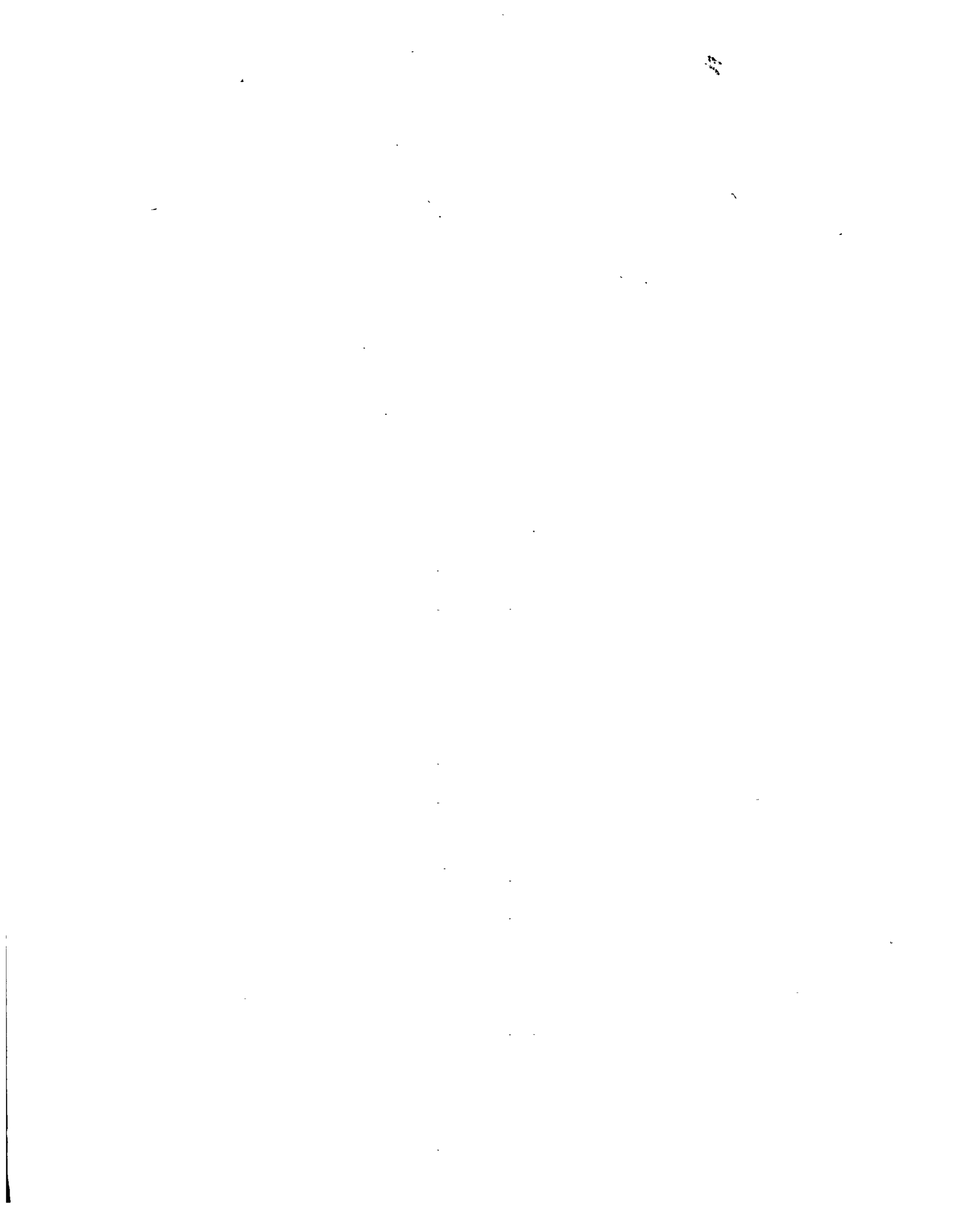
6. Inmate

7. Correctional facility

8. Penal ....

9. Penitentiary





Gen'l program requiring K to address  
required services (eg. 301.03 (2g))

Draft makes K w/ private prison possible

Does not address all areas where you  
may want to treat private prisons  
(# prisoners in them) like state prisons  
(# " " " )

02A

Viz: (6)4

4

38.04(12)

stet.

~~16.385 (7) (Housing assistance)~~

~~19.323 (6) (Open records request (ants))~~

~~38.24 (1m) (2) (Tech College fees)~~

~~48.366 (8) Estimated cost of fines [check K]~~

~~51.20 (4) (a) commits~~

~~51.35 & 51.37 (5)~~

transfer of committees

~~51.61~~

Patent rights

~~116.51 (7) 597 59.29~~

City reimbursement [check K-refs]

~~106.215 (8g)~~

ICC partnership projects

~~108.07~~

Unemployment camp

~~115.76~~

~~115.762 (4)~~

Special ed. ??

~~115.787 (6)~~

child w/ disab in state prison

~~165.272 (4) 1/2~~

~~252.04 (5)~~

Disease surveillance

~~257.06 (6) (b)~~

isolation / quarantine

~~302.095 (a)~~

Contraband

~~302.12 (a)~~

?

~~938.992 (3)~~

Tuве contracts

~~940.20 (a)~~

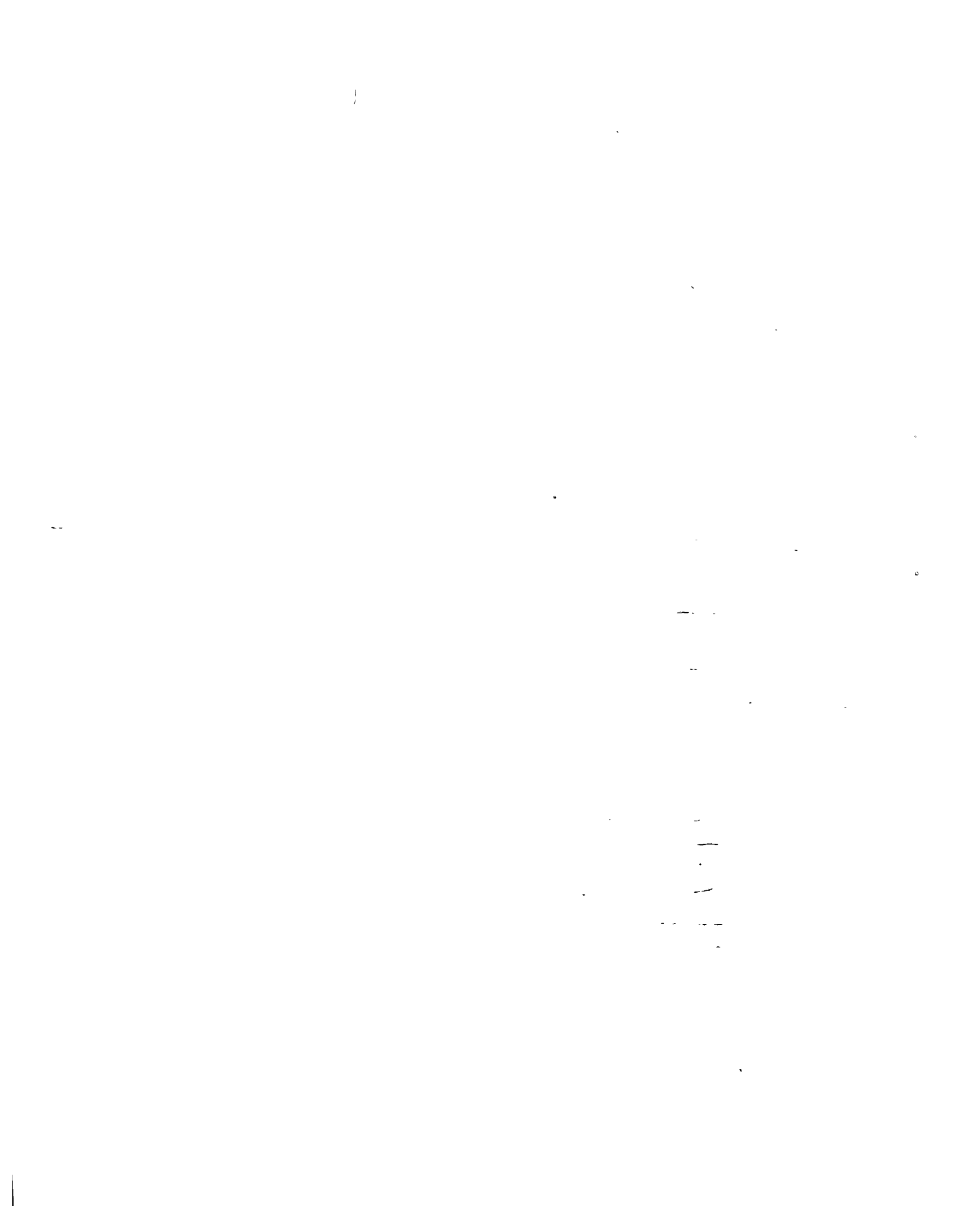
~~946.43~~

~~948.50 (4) (a)~~

~~968.255 (7) (a)~~

~~971.11 (a)~~

~~976.08~~



~~302.15 (2)~~  
~~301.046 (2)~~  
~~473. (36)~~  
~~301.13 (14)~~  
~~301.16 (1x)~~  
978.06 (6)

use something like  
this? ...  
new # under 301.21  
(2m)

~~46.056 (1)~~ → WRC  
~~48.366 (8)~~ - w.r.t. transfer only (last sentence)  
~~301.13 - 301.14~~

~~301.15~~  
~~301.16~~  
~~302.05 (1)~~  
~~302.06~~

2nd hit

is it? ~~303.065 (1)(a)~~  
~~304.06 (1)(b)~~ ok

? work release spilly

ok ~~800.095 (6)~~ "committed" to W.S.P. - okay?  
→ 51.45 (7) [spilly]

~~46.22~~ DHFS authority over private  
~~46.39 (3)~~  
~~46.10 (2m)~~

~~101.123 (1)(2m), (i)~~  
~~115.31 (1)(b)~~ → children only? ...

MAKING

~~157.02 (1)~~  
~~165.76 (1)(a)~~ ok  
~~227.03 (1)~~ (ab)

252.15 (1)(b) → policy decision (?)  
→ " "  
→ okay? (under quit. lang.?)

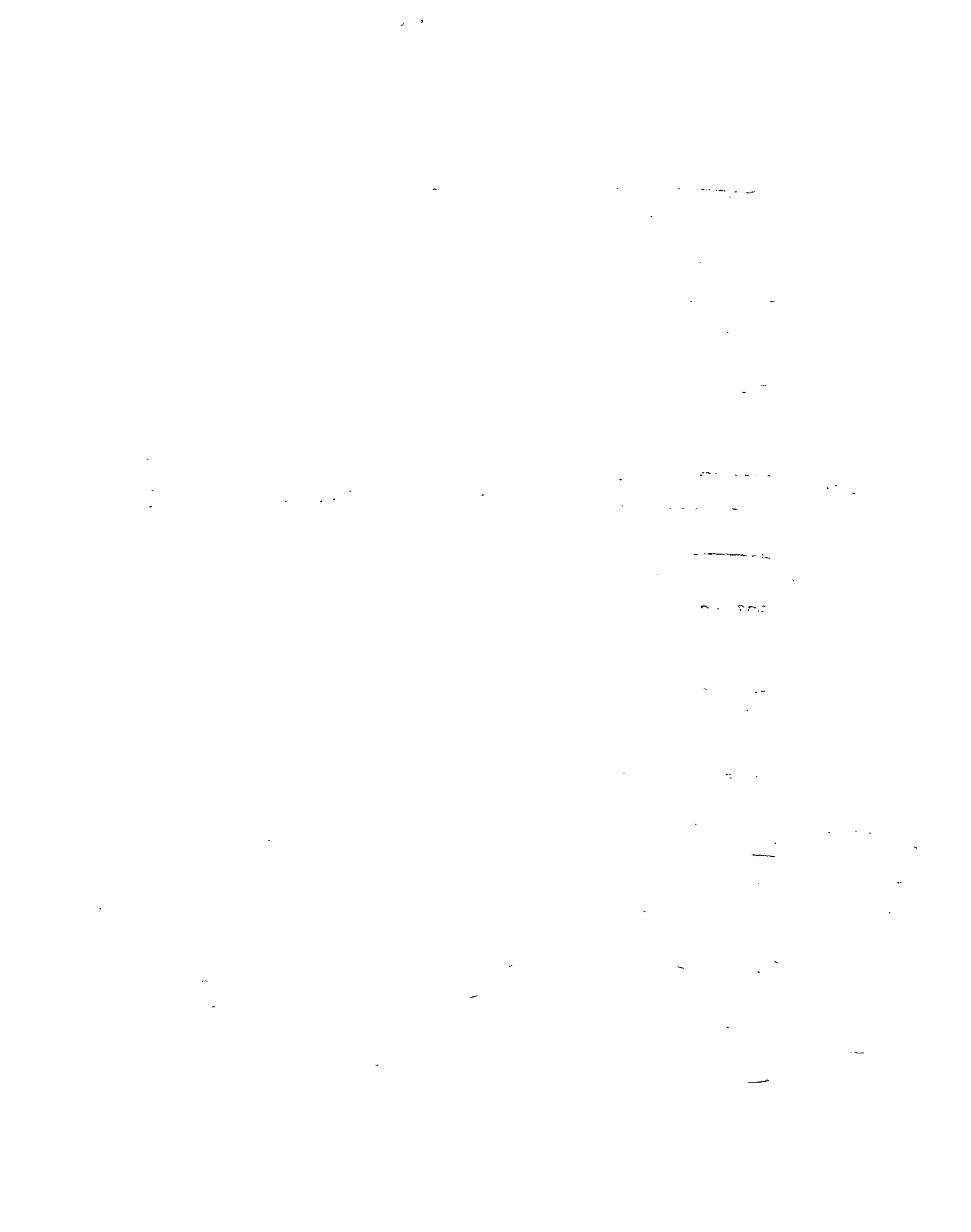
D. date ~~301.29~~

~~301.33~~  
~~301.36 (1)~~

~~307.02 (3E)~~ amend  
307.0385 guided by K  
~~301.02 (7)(a) 1.~~

Prisoner litigation reform [check x-refs]

~~946.29~~  
~~946.43~~ ~~946.44~~ - ??  
~~946.45~~





~~57.40 (1) (j)~~  
~~71.64 (8) (c)~~

~~102.175 policy question~~

~~D Note~~

~~301.048 (3) (a) l. → Dis vs Doc Type I only~~  
Policy

~~165.75 (3) (b)~~  
~~301.12 (2a)~~

~~D Note~~

~~\*\* 301.38~~  
~~302.05~~  
~~\*\* 302.07~~  
~~302.08~~

policy question

302.10 generally → okay?

302.385 = okay? → very general.

302.384

~~\*\* 302.386 state only~~

} is CCA (eg) a "keeper" of the prison....  
Draft annex 50

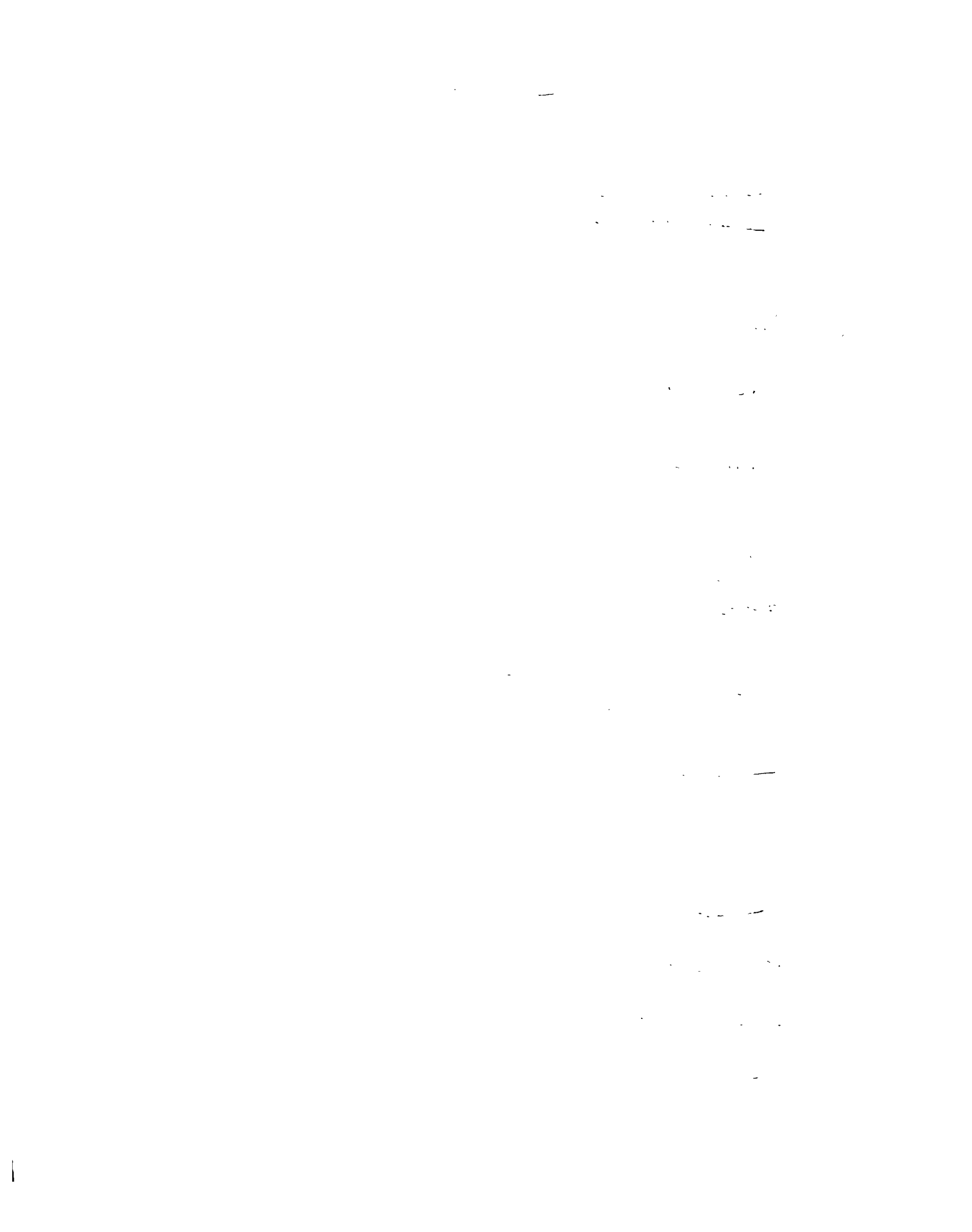
~~\* 303.06 -~~

el.... ~~844.29 (lm)~~ → agency w/ custody include CCA?

950.04 - victim's rights

~~\*\* Check 961 for day-free prison zones~~ 961.01 (12m)

~~973.032~~ → Dis prisoners can't go to CCA



~~49.32 (7) (d)~~

~~49.84 (1) 2~~

~~51.20 (4) (b) (c) (intro.)  $\frac{1}{2}$  c.  $\frac{1}{2}$  d.~~

~~101.12 (5) (a) 2. l.~~

~~101.12 (5) (a) 2. b.~~

~~112.16 (4) (a) l.~~

~~40.02 (48) (c)~~

~~59.52 (16) (a)~~

~~66.04 (1)~~

~~77.976 (2) (f)~~

~~84.27~~

~~108.02 (15) (g) 3.~~

~~120.18 (1) (a)~~

~~121.77 (1) (b)~~

~~132.40 (2)~~

~~250.04 (10)~~

~~252.08 (4) (a) [K-ref = 304.115]~~

~~292.65 (1) (b) (c) 6.~~

~~301.08 (1) (b) l.~~

~~302.18 (5)~~

~~304.071 (4)~~

~~946.73~~

~~sk 302.055~~ ~~okay?~~  
~~302.10~~ ? ~~policy decision?~~ they: "prison"  
ok. { ~~302.11 (1)~~ warden / sup t. language  
      ~~302.113 (3)~~ " " "  
      ~~302.114 (3)~~ " " "

~~302.15~~  
~~302.17 (1)~~

~~303.21~~

~~982.95~~ ~~MA~~ ~~hears~~

~~976.05 (14)~~ ~~covered by 976.28 change?~~

301.21 (1m) (c) ←

5.05(1)(c)

(c) Bring civil actions to require forfeitures for any violation of ch. 11 under s. 11.60. Forfeiture actions brought by the board may concern only violations with respect to reports or statements required by law to be filed with it, and other violations arising under elections for **state** office or statewide referenda. The board may compromise and settle any civil action or potential action brought or authorized to be brought by it under ch. 11 which, in the opinion of the board, constitutes a minor violation, a violation caused by excusable neglect, or which for other good cause shown, should not in the public interest be prosecuted under such chapter.

Notwithstanding s. 778.06, an action or proposed action authorized under this paragraph may be settled for such sum as may be agreed between the parties. Any settlement made by the board shall be in such amount as to deprive the alleged violator of any benefit of his or her wrongdoing and may contain a **penal** component to serve as a deterrent to future violations. In settling actions or proposed actions, the board shall treat comparable situations in a comparable manner and shall assure that any settlement bears a reasonable relationship to the severity of the offense or alleged offense. Forfeiture actions brought by the board shall be brought in the circuit court for the county wherein the violation is alleged to occur.

19.32(1e)

(1e) "**Penal** facility" means a **state** prison under s. 302.01, county jail, county house of correction or other **state**, county or municipal correctional or detention facility.

40.02(48)(c)

(c) In s. 40.65, "protective occupation participant" means a participating employe who is a police officer, fire fighter, an individual determined by a participating employer under par. (a) or (bm) to be a protective occupation participant, county undersheriff, deputy sheriff, **state** probation and parole officer, county traffic police officer, conservation warden, **state** forest ranger, field conservation employe of the department of natural resources who is subject to call for forest fire control or warden duty, member of the **state** traffic patrol, **state** motor vehicle inspector, university of Wisconsin system full-time police officer, guard or any other employe whose principal duties are supervision and discipline of inmates at a **state penal** institution, excise tax investigator employed by the department of revenue, person employed under s. 61.66 (1), or special criminal investigation agent employed by the department of justice.

corr

59.52(16)(a)

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

59.53(16)(a)

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

66.04(1)

**(1) Bonus to state institution.** No appropriation or bonus of any kind, except for a donation, may be made by any town, village, or city, nor any municipal liability created nor tax levied, as a consideration or inducement to the state to locate any public educational, charitable, reformatory, or penal institution.

66.94(25)

**(25) Secretary and treasurer.** The board shall appoint a secretary and a treasurer, who need not be members of the board, to hold office during the pleasure of the board, and fix their duties and compensation. The secretary shall not be engaged in any other business or employment. Before entering upon the duties of their respective offices they shall take and subscribe an official oath, and the treasurer shall execute an official bond with corporate sureties to be approved by the board. The bond shall be payable to the authority in whatever penal sum may be directed by the board conditioned upon the faithful performance of the duties of the office and the payment of all money received according to law and the orders of the board. The board may, at any time, require a new bond from the treasurer in such penal sum as it may determine. The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure or closing of any credit union, savings bank, savings and loan association or national or state bank wherein the treasurer has deposited funds if the credit union, savings bank, savings and loan association or bank has been approved by the board as a depository. The oaths of office and bond shall be filed in the principal office of the authority.

84.27

**84.27 Institution roads.** The department may administer a program to improve highways forming convenient connections between the university of Wisconsin system and state charitable or penal institutions, and the state trunk highway system, or to construct roadways under or over state trunk highways that pass through the grounds thereof, or to construct and maintain all drives and roadways on such grounds or the grounds of the state capitol. Within the limitations and for the purposes of this section, work may be performed by or under the supervision or authority of the department, upon the request for such work filed by the board of regents of the

university of Wisconsin system or the state boards, commissions, departments or officers, respectively, as to such work in connection with the institution controlled by them. The cost of any work under this section shall be the responsibility of the board of regents of the university of Wisconsin system or the state boards, commissions, departments or officers involved.

102.475(8)(a)

(a) "Correctional officer" means any person employed by the state or any political subdivision as a guard or officer whose principal duties are supervision and discipline of inmates at a penal institution, ~~prison, jail, house of correction~~ or other place of penal detention. *corr.*

105.06(1)

(1) Application for an employment agent's license shall be made to the department and accompanied by a bond in due form to the state for the penal sum of \$5,000 issued by a surety company licensed to do business in this state to be approved by the department, conditioned that the agent will conform to and not violate this chapter or the rules of the department issued thereunder.

120.18(1)(a)

(a) (intro.) The school count, showing the numbers and ages of persons who are at least 4 years old but not yet 14 years old and who reside in a school district operating only elementary grades, showing the number and ages of persons between the ages of 14 and 20 residing in a union high school district and showing the number and ages of persons between the ages of 4 and 20 residing in any other school district. Children cared for at a charitable or penal institution of this state may not be included in the report. The school district clerk may employ a competent person to take the schoolcount. The count may be determined by using any of the following methods: *corr.*

121.79(1)(b)

(b) For pupils whose parents or guardians are employed at and reside on the grounds of a state or federal military camp, federal veteran hospital or state charitable or penal institution. *corr.*

139.40(2)

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

165.84(4)

(4) All persons in charge of state ~~penal and~~ *steh* correctional institutions shall obtain fingerprints, according to the fingerprint system of identification established by the director of the F.B.I., and

full face and profile photographs of all persons received on commitment to these institutions. The prints and photographs so taken shall be forwarded to the department, together with any other identifying data requested, within 10 days after the arrival at the institution of the person committed. Full length photographs in release dress shall be taken immediately prior to the release of these persons from these institutions. Immediately after release, these photographs shall be forwarded to the department.

165.84(5)

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

165.84(6)

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

230.36(1)

(1) If a conservation warden, conservation patrol boat captain, conservation patrol boat engineer, state forest ranger, conservation field employe of the department of natural resources who is subject to call for fire control duty, member of the state patrol, state motor vehicle inspector, lifeguard, excise tax investigator employed by the department of revenue, special criminal investigation agent employed by the department of justice, special tax agent, state drivers' license examiner, state fair park police officer, University of Wisconsin System police officer and other state facilities police officer and patrol officer, security officer, watcher, engineer, engineering aide, building construction superintendent, fire fighter employed at the Wisconsin Veterans Home, or guard or institutional aide or a state probation, extended supervision and parole officer or any other employe whose duties include supervision and discipline of inmates or wards of the state at a state ~~penal~~ institution, including a secured correctional facility, as defined in s. 938.02 (15m), or while on parole supervision or extended supervision outside of the confines of the institutions, or supervision of persons placed on probation by a court of record, or supervision and care of patients at a state mental institution, and the University of Wisconsin Hospitals and Clinics suffers injury while in the performance of his or her duties, as defined in subs. (2) and (3); or any other state employe who is not listed in this subsection and who is ordered by his or her appointing authority to accompany any employe listed in this subsection while the listed employe is engaged in the duties defined in sub. (3), or any other state employe who is not listed in this subsection and who is ordered by his or her appointing authority to perform the duties, when permitted, in lieu of the listed employe and while so engaged in the duties defined in sub.



(3), suffers injury as defined in sub. (2) the employe shall continue to be fully paid by the employing agency upon the same basis as paid prior to the injury, with no reduction in sick leave credits, compensatory time for overtime accumulations or vacation and no reduction in the rate of earning sick leave credit or vacation. The full pay shall continue while the employe is unable to return to work as the result of the injury or until the termination of his or her employment upon recommendation of the appointing authority. At any time during the employe's period of disability the appointing authority may order physical or medical examinations to determine the degree of disability at the expense of the employing agency.

230.36(3)(c)

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

252.08(4)(a)

(a) Care of patients transferred to facilities approved under this section from state institutions or from state penal institutions under s. 304.115.

301.08(1)(b)1.

1. Contract with public, private or voluntary agencies for the purchase of goods, care and services for persons committed or sentenced to a state correctional or penal institution, placed on probation or lifetime supervision to the department by a court of record, or released from a state correctional or penal institution. Services shall include, but are not limited to, diagnostic services, evaluation, treatment, counseling, referral and information, day care, inpatient hospitalization, transportation, recreation, special education, vocational training, work adjustment, sheltered employment, special living arrangements and legal and protective services.

301.13

**301.13 Minimum security correctional institutions.** The department may establish and operate minimum security correctional institutions. The secretary may allocate and reallocate existing and future facilities as part of these institutions. The institutions are subject to s. 301.02 and are state prisons as defined in s. 302.01. Inmates from Wisconsin state prisons may be transferred to these institutions and they shall be subject to all laws pertaining to inmates of other penal institutions of the state. Officers and employes of the institutions shall be subject to the same laws as pertain to other penal institutions. Inmates shall not be received on direct commitment from the courts. In addition to the exemptions under s. 13.48 (13), construction or establishment of facilities at institutions which are community correctional residential centers initially established prior to July 2, 1983, shall not be subject to the ordinances or regulations relating to zoning, including zoning under ch. 91, of the county and municipality in which the construction or establishment takes place. The department shall establish a procedure for soliciting responses from interested communities and persons regarding potential sites for the institutions under this section, except the procedure does not apply to the 125-bed community correctional center in the city of Waupun. The department shall consider locations proposed under this procedure and may

consider any other locations on its own initiative. The department need not promulgate rules regarding the site consideration procedures under this section.

301.14

**301.14 State-local shared correctional facilities.** In cooperation with any county or group of counties, the department may contract for the establishment and operation of state-local shared correctional facilities under s. 302.45. Except as provided in s. 302.45 (4), the secretary may allocate and reallocate existing and future facilities as state-local shared correctional facilities. The shared facilities shall be institutions under s. 301.02 and shall be prisons under s. 302.01. Inmates from Wisconsin state prisons may be transferred to these facilities and, except as to any separate rules established in the contract governing a shared facility, shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employees of the facilities shall be subject to the same laws as pertain to other penal institutions. Inmates may not be received on direct commitment from the courts.

301.15

**301.15 Medium security prison.** The department may construct a medium security prison to be known as the Fox Lake correctional institution on state-owned land known as prison farm 10 in Dodge county. Inmates from the Wisconsin state prisons may be transferred to this institution and they shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employees of the institutions shall be subject to the same laws as pertain to other penal institutions. Inmates shall not be received on direct commitment from the courts.

301.16(1x)

**(1x)** Inmates from the Wisconsin state prisons may be transferred to the institutions under this section and they shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employees of the institutions shall be subject to the same laws as pertain to other penal institutions. Inmates shall not be received on direct commitment from the courts.

302.17(1)

**(1)** When any inmate is received into any state penal institution the department shall register the ~~date of admission~~, the name, age, nativity and nationality and such other facts as may be obtained as to ~~parentage~~, education and previous history and environments of such inmate.

302.31

**302.31 Use of jails.** The county jail may be used for the detention of persons charged with crime and committed for trial; for the detention of persons committed to secure their attendance as witnesses; to imprison persons committed pursuant to a sentence or held in custody by the sheriff for any cause authorized by law; for the detention of persons sentenced to imprisonment in state penal institutions or a county house of correction, until they are removed to those institutions; for the detention of persons participating in the intensive sanctions program; for the temporary detention of persons in the custody of the department; and for other detentions authorized by law. The county jail may be used for the temporary placement of persons in the custody of the department, other than persons under 17 years of age, and persons who have attained the age of

17 years but have not attained the age of 25 years who are under the supervision of the department under s. 48.366 or 938.355 (4) and who have been taken into custody pending revocation of aftercare supervision under s. 48.366 (5) or 938.357 (5) (e).

302.33(1)

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

302.45(1)

(1) The department and any county or group of counties may contract for the cooperative establishment and use of state-local shared correctional facilities. Inmates sentenced to the Wisconsin state prisons, a county jail, a county reforestation camp or a county house of correction may be transferred to a shared facility by the department, sheriff or superintendent, respectively, under the agreement covering use of the facility. Any inmate confined in a state-local shared correctional facility shall be deemed to be serving time in the penal institution to which he or she was sentenced and shall be eligible to earn good time credit against his or her sentence as provided under ss. 302.11, 302.12; 302.43; 303.07 and 303.19 for that institution.

303.06(1)

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

303.06(5)

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

304.071(1)

(1) The parole commission may at any time grant a parole to any prisoner in any penal institution of this state, or the department may at any time suspend the supervision of any person who is on probation or parole to the department, if the prisoner or person on probation or parole is eligible for induction into the U.S. armed forces. The suspension of parole or probation shall be for the duration of his or her service in the armed forces; and the parole or probation shall again become effective upon his or her discharge from the armed forces in accordance with regulations prescribed by the department. If he or she receives an honorable discharge from the armed forces, the governor may discharge him or her and the discharge has the effect of a pardon. Upon the suspension of parole or probation by the department, the department shall issue an order

setting forth the conditions under which the parole or probation is suspended, including instructions as to where and when and to whom the paroled person shall report upon discharge from the armed forces.

946.73

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

976.01(1)(a)

(a) "Witness" means a person who is confined in a **penal** institution in any state and whose testimony is desired in another state in any criminal proceeding or investigation by a grand jury or in any criminal action before a court.

976.01(2)

**(2) Summoning witness in this state to testify in another state.** A judge of a state court of record in another state, which by its laws has made provision for commanding persons confined in **penal** institutions within that state to attend and testify in this state, may certify that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, that a person who is confined in a **penal** institution in this state may be a material witness in the proceeding, investigation or action, and that the person's presence will be required during a specified time. Upon presentation of the certificate to any judge having jurisdiction over the person confined, and upon notice to the attorney general, the judge in this state shall fix a time and place for a hearing and shall make an order directed to the person having custody of the prisoner requiring that the prisoner be produced before the judge at the hearing.

976.01(6)

**(6) Prisoner from another state summoned to testify in this state.** If a person confined in a **penal** institution in any other state may be a material witness in a criminal action pending in a court of record or in a grand jury investigation in this state, a judge of the court may certify that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, that a person who is confined in a **penal** institution in the other state may be a material witness in the proceeding, investigation or action, and that the person's presence will be required during a specified time. The certificate shall be presented to a judge of a court of record in the other state having jurisdiction over the prisoner confined, and a notice shall be given to the attorney general of the state in which the prisoner is confined.

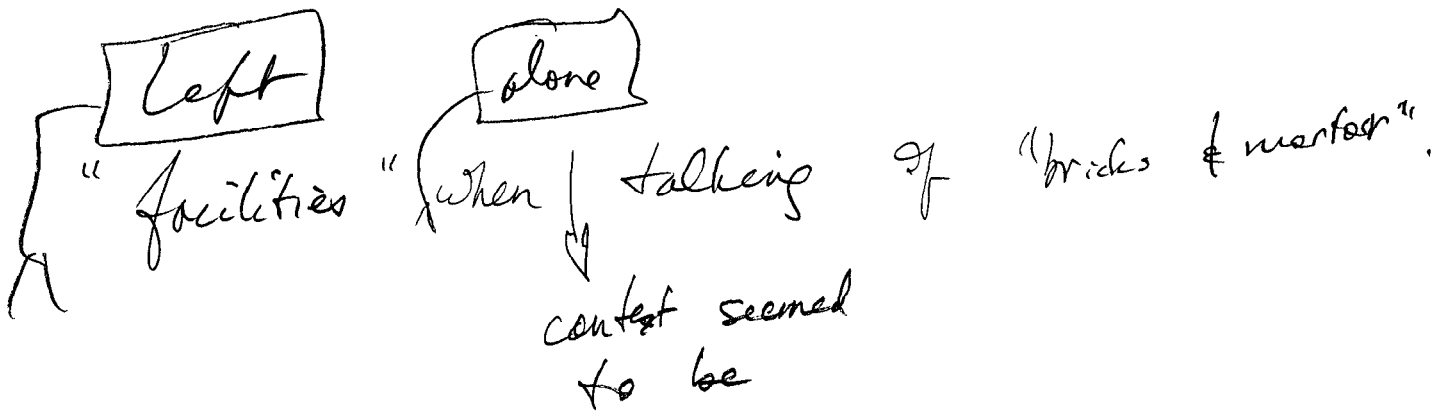
976.05(3)(a)

(a) Whenever a person has entered upon a term of imprisonment in a **penal** or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, the prisoner shall be brought to trial within 180 days after the prisoner has caused to be delivered to the prosecuting officer and

the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his or her imprisonment and his or her request for a final disposition to be made of the indictment, information or complaint, but for good cause shown in open court, the prisoner or the prisoner's counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility or date of release to extended supervision of the prisoner and any decisions of the department relating to the prisoner.

976.01(1)(b)

(b) "**Penal** institutions" includes a jail, prison, penitentiary, house of correction or other place of **penal** detention.

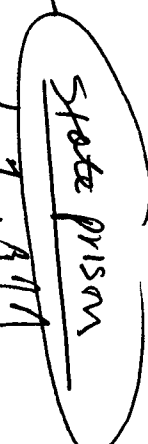


132.13(1)(a)

(a) All goods, wares, and merchandise made wholly or in part by convict labor in any ~~penitentiary~~, prison, reformatory or other establishment in which convict labor is employed except convicts or prisoners on parole, extended supervision or probation, shall before being exposed for sale be branded, labeled, marked or tagged as herein provided and shall not be exposed for sale or sold in this state without such brand, label, mark or tag. Such brand, label, mark or tag shall contain at the head or top thereof the words "convict-made" followed by the name of the ~~penitentiary~~, prison, <sup>reformatory</sup> or other establishment in which it was made in plain English lettering of the style and size known as eighteen point Cheltenham bold type capitals. The brand or mark shall in all cases where the nature of the articles will permit be placed on each individual article or part of such article that is sold, and only where such branding or marking is impossible shall a label or tag be used and where a label is used it shall be securely pasted onto each such article and when a tag is used it shall be a paper tag securely fastened to such article or part of article sold. In addition to the marking of each article or part of article sold a similar brand, mark, label or tag shall be placed upon the outside or upon its box, crate, or other covering. All brands, labels, marks, and tags shall be placed on a conspicuous part of such article or part of article and its container.

302.01

**302.01 State prisons named and defined.** The ~~penitentiary~~ at Waupun is named "Waupun Correctional Institution". The correctional treatment center at Waupun is named "Dodge Correctional Institution". The ~~penitentiary~~ at Green Bay is named "Green Bay Correctional Institution". The medium/maximum ~~penitentiary~~ at Portage is named "Columbia Correctional Institution". The medium security institution at Oshkosh is named "Oshkosh Correctional Institution". The medium security ~~penitentiary~~ near Fox Lake is named "Fox Lake Correctional Institution". The ~~penitentiary~~ at Taycheedah is named "Taycheedah Correctional Institution". The medium security ~~penitentiary~~ at Plymouth is named "Kettle Moraine Correctional Institution". The ~~penitentiary~~ at the village of Sturtevant in Racine county is named "Racine Correctional Institution". The medium security ~~penitentiary~~ at Racine is named "Racine Youthful Offender Correctional Facility". The resource facility at Oshkosh is named "Wisconsin Resource Center". The institutions named in this section, the correctional institution authorized under s. 301.16 (1n), correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), correctional institution authorized under s. 301.046 (1), correctional institution authorized under s. 301.048 (4) (b), minimum security correctional institutions authorized under s. 301.13, and state-local shared correctional facilities when established under s. 301.14, are state prisons.



939.62(3)(b)

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

946.47(2)(b)

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

976.01(1)(b)

(b) "Penal institutions" includes a jail, prison, penitentiary, house of correction or other place of penal detention.

*leave  
alone  
—  
uniform act*



48.78(2)(d)2.

2. Under sentence to the Wisconsin state prisons under s. 973.15.

51.42(3)(as)1.

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

301.13

**301.13 Minimum security correctional institutions.** The department may establish and operate minimum security correctional institutions. The secretary may allocate and reallocate existing and future facilities as part of these institutions. The institutions are subject to s. 301.02 and are state prisons as defined in s. 302.01. Inmates from Wisconsin state prisons may be transferred to these institutions and they shall be subject to all laws pertaining to inmates of other penal institutions of the state. Officers and employes of the institutions shall be subject to the same laws as pertain to other penal institutions. Inmates shall not be received on direct commitment from the courts. In addition to the exemptions under s. 13.48 (13), construction or establishment of facilities at institutions which are community correctional residential centers initially established prior to July 2, 1983, shall not be subject to the ordinances or regulations relating to zoning, including zoning under ch. 91, of the county and municipality in which the construction or establishment takes place. The department shall establish a procedure for soliciting responses from interested communities and persons regarding potential sites for the institutions under this section, except the procedure does not apply to the 125-bed community correctional center in the city of Waupun. The department shall consider locations proposed under this procedure and may consider any other locations on its own initiative. The department need not promulgate rules

regarding the site consideration procedures under this section.

~~301.14~~

**301.14 State-local shared correctional facilities.** In cooperation with any county or group of counties, the department may contract for the establishment and operation of state-local shared correctional facilities under s. 302.45. Except as provided in s. 302.45 (4), the secretary may allocate and reallocate existing and future facilities as state-local shared correctional facilities. The shared facilities shall be institutions under s. 301.02 and shall be prisons under s. 302.01. Inmates from Wisconsin state prisons may be transferred to these facilities and, except as to any separate rules established in the contract governing a shared facility, shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employees of the facilities shall be subject to the same laws as pertain to other penal institutions. Inmates may not be received on direct commitment from the courts.

~~301.15~~

**301.15 Medium security prison.** The department may construct a medium security prison to be known as the Fox Lake correctional institution on state-owned land known as prison farm 10 in Dodge county. Inmates from the Wisconsin state prisons may be transferred to this institution and they shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employees of the institutions shall be subject to the same laws as pertain to other penal institutions. Inmates shall not be received on direct commitment from the courts.

~~301.16(1x)~~

**(1x)** Inmates from the Wisconsin state prisons may be transferred to the institutions under this section and they shall be subject to all laws pertaining to inmates of other penal institutions of this state. Officers and employees of the institutions shall be subject to the same laws as pertain to other penal institutions. Inmates shall not be received on direct commitment from the courts.

~~301.21(1m)(b)~~

**(b)** Inmates from Wisconsin state prisons while in an institution in another state are subject to all provisions of law and regulation concerning the confinement of persons committed for violations of the laws of that state, except as otherwise provided for by any contract entered into under this subsection.

~~302.06~~

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

302.45(1)

(1) The department and any county or group of counties may contract for the cooperative establishment and use of state-local shared correctional facilities. Inmates sentenced to the Wisconsin state prisons, a county jail, a county reforestation camp or a county house of correction may be transferred to a shared facility by the department, sheriff or superintendent, respectively, under the agreement covering use of the facility. Any inmate confined in a state-local shared correctional facility shall be deemed to be serving time in the penal institution to which he or she was sentenced and shall be eligible to earn good time credit against his or her sentence as provided under ss. 302.11, 302.12; 302.43; 303.07 and 303.19 for that institution.

303.07(2)

(2) When convicted persons are subject to commitment to the county jail, or to the Wisconsin state prisons under s. 939.62 (1) (a) for a term not exceeding 2 years, the court may instead commit them for equivalent terms to a reforestation camp authorized under sub. (1).

303.07(3)

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

303.18(1)

(1) Every court of record authorized to commit any person to the county jail upon conviction of any offense, or authorized to sentence any person to imprisonment in the Wisconsin state prisons for any term not exceeding one year, may, in lieu of the sentence, commit or sentence the person to the house of correction for an equivalent term, at hard labor. All mittimus and warrants of commitment in those cases shall be directed to the superintendent of the house of correction and shall be the authority of the superintendent for the detention of the person sentenced or committed.

303.18(3)

303.18(4)

(4) Whenever it appears that the continued presence of any person convicted of a felony and committed to the house of correction is detrimental to the person, or to other inmates, or to the discipline of the house of correction, the superintendent may immediately return the person to the committing court and the court shall sentence the person to the Wisconsin state prisons for the remainder of the term for which originally sentenced, less any credits for good behavior accumulated under s. 303.19. The person shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4).

304.06(1)(b)

(b) Except as provided in sub. (1m) or s. 302.045 (3), 961.49 (2), 973.01 (6) or 973.0135, the

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

800.095(6)

**(6) Place of imprisonment.** If the court orders imprisonment under sub. (4) (b) 1., the defendant shall be committed to a jail or a house of correction in the county in which the cause of action arose or, if the defendant has been committed to the Wisconsin state prisons, to the prison in which the defendant is an inmate. <sup>only</sup> Except in cases where the defendant has been committed to the Wisconsin state prisons, the municipality shall pay the expense incurred by the county to imprison the defendant. The defendant is eligible for privileges under s. 303.08.

938.78(2)(d)2.

2. Under sentence to the Wisconsin state prisons under s. 973.15.

972.13(6)

**(6)** The following forms may be used for judgments:

**STATE OF WISCONSIN**

.... County

In.... Court

The State of Wisconsin

vs.

....(Name of defendant)

UPON ALL THE FILES, RECORDS AND PROCEEDINGS,

IT IS ADJUDGED That the defendant has been convicted upon the defendant's plea of guilty (not guilty and a verdict of guilty) (not guilty and a finding of guilty) (no contest) on the.... day of...., .... (year), of the crime of.... in violation of s.....; and the court having asked the defendant whether the defendant has anything to state why sentence should not be pronounced, and no sufficient grounds to the contrary being shown or appearing to the court.

\*IT IS ADJUDGED That the defendant is guilty as convicted.

\*IT IS ADJUDGED That the defendant is hereby committed to the Wisconsin state prisons (county jail of.... county) for an indeterminate term of not more than....

\*IT IS ADJUDGED That the defendant is ordered to serve a bifurcated sentence consisting of ... year(s) of confinement in prison and ... months/years of extended supervision.

\*IT IS ADJUDGED That the defendant is placed in the intensive sanctions program subject to

the limitations of section 973.032 (3) of the Wisconsin Statutes and the following conditions:....

\*IT IS ADJUDGED That the defendant is hereby committed to detention in (the defendant's place of residence or place designated by judge) for a term of not more than....

\*IT IS ADJUDGED That the defendant is placed on lifetime supervision by the department of corrections under section 939.615 of the Wisconsin Statutes.

\*IT IS ADJUDGED That the defendant is ordered to pay a fine of \$.... (and the costs of this action).

\*IT IS ADJUDGED That the defendant pay restitution to....

\*IT IS ADJUDGED That the defendant is restricted in his or her use of computers as follows:....

\*The.... at.... is designated as the Reception Center to which the defendant shall be delivered by the sheriff.

\*IT IS ORDERED That the clerk deliver a duplicate original of this judgment to the sheriff who shall forthwith execute the same and deliver it to the warden.

Dated this.... day of...., .... (year)

BY THE COURT....

Date of Offense.....,

District Attorney.....,

Defense Attorney....

\*Strike inapplicable paragraphs.

**STATE OF WISCONSIN**

.... County

In.... Court

The **State** of **Wisconsin**

vs.

....(Name of defendant)

On the.... day of...., .... (year), the district attorney appeared for the **state** and the defendant appeared in person and by.... the defendant's attorney.

UPON ALL THE FILES, RECORDS AND PROCEEDINGS

IT IS ADJUDGED That the defendant has been found not guilty by the verdict of the jury (by the court) and is therefore ordered discharged forthwith.

Dated this.... day of...., .... (year)

BY THE COURT....

973.013 Indeterminate **sentence**; **Wisconsin state prisons**.

973.01(1)

(1) **Bifurcated sentence required**. Except as provided in sub. (3), whenever a court **sentences** a person to imprisonment in the **Wisconsin state prisons** for a felony **committed** on or after December 31, 1999, the court shall impose a bifurcated **sentence** that consists of a term of confinement in prison followed by a term of extended supervision under s. 302.113.

973.013

**973.013 Indeterminate sentence; Wisconsin state prisons**.

973.013(1)(a)

(a) If imprisonment in the **Wisconsin state prisons** for a term of years is imposed, the court may

fix a term less than the prescribed maximum. The form of such sentence shall be substantially as follows: "You are hereby sentenced to the Wisconsin state prisons for an indeterminate term of not more than .... (the maximum as fixed by the court) years."

973.013(2)

(2) Upon the recommendation of the department, the governor may, without the procedure required by ch. 304, discharge absolutely, or upon such conditions and restrictions and under such limitation as the governor thinks proper, any inmate committed to the Wisconsin state prisons after he or she has served the minimum term of punishment prescribed by law for the offense for which he or she was sentenced, except that if the term was life imprisonment, 5 years must elapse after release on parole or extended supervision before such a recommendation can be made to the governor. The discharge has the effect of an absolute or conditional pardon, respectively.

973.013(3m)

(3m) If a person who has not attained the age of 16 years is sentenced to the Wisconsin state prisons, the department of corrections shall place the person at a secured juvenile correctional facility or a secured child caring institution, unless the department of corrections determines that placement in an institution under s. 302.01 is appropriate based on the person's prior record of adjustment in a correctional setting, if any; the person's present and potential vocational and educational needs, interests and abilities; the adequacy and suitability of available facilities; the services and procedures available for treatment of the person within the various institutions; the protection of the public; and any other considerations promulgated by the department of corrections by rule. This subsection does not preclude the department of corrections from designating an adult correctional institution as a reception center for the person and subsequently transferring the person to a secured juvenile correctional facility or a secured child caring institution. Section 302.11 and ch. 304 apply to all persons placed in a secured juvenile correctional facility or a secured child caring institution under this subsection.

973.02

**973.02 Place of imprisonment when none expressed.** Except as provided in s. 973.032, if a statute authorizes imprisonment for its violation but does not prescribe the place of imprisonment, a sentence of less than one year shall be to the county jail, a sentence of more than one year shall be to the Wisconsin state prisons and the minimum under the indeterminate sentence law shall be one year, and a sentence of one year may be to either the Wisconsin state prisons or the county jail. In any proper case, sentence and commitment may be to the department or any house of correction or other institution as provided by law or to detention under s. 973.03 (4).

973.03(2)

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

973.035

**973.035 Transfer to state-local shared correctional facilities.** Any person serving a sentence of imprisonment to the Wisconsin state prisons, a county jail, a county reforestation camp or a county house of correction or serving a sentence to the intensive sanctions program may be transferred to a state-local shared correctional facility under s. 302.45 (1).

973.15(1)

(1) Except as provided in s. 973.032, all sentences to the Wisconsin state prisons shall be for one year or more. Except as otherwise provided in this section, all sentences commence at noon on the day of sentence, but time which elapses after sentence while the convicted offender is at large on bail shall not be computed as any part of the term of imprisonment.

973.15(4)

(4) (intro.) When a court orders a sentence to the Wisconsin state prisons to be served in whole or in part concurrently with a sentence being served or to be served in a federal institution or an institution of another state:

973.15(6)

(6) Sections 302.11 and 304.06 are applicable to an inmate serving a sentence to the Wisconsin state prisons for a crime committed before December 31, 1999, but confined in a federal institution or an institution in another state.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0475/P1dn  
JEO & RAC:.....

JKG

Mark Grapentine:

This draft allows DOC to contract with a private prison operating in this state. The draft is lengthy because of the number of references in current law to “prison”, “correctional institution” and similar entities. In addition to reviewing the draft carefully yourself, you may want to have DOC review the draft to make sure that it does not effect some changes that we are unaware of and that you do not intend. When reviewing the draft, please note the following:

1. As we discussed, the draft generally treats private prisons the same way state prisons are treated under current statutes. For instance, wherever the statutes currently refer simply to “prison”, that reference will include private prisons. Also, as you will see when you review it, the draft changes a number of statutes to refer to “prison” instead of “state prison”, thus making the statute applicable to private prisons. Please review all of these changes carefully to make sure that you want the statute to apply to private prisons.

This approach has the virtue of dealing with several issues raised by Attorney Ann Sappenfield of Legislative Council Staff about 1997 Assembly Bill 634, which we had drafted for you last session. Specifically, on pages two and three of her December 10, 1997, memorandum to your office, she pointed out that 1997 AB-634 did not specifically address the status of private prison inmates and the powers and duties of a private prison (or the warden or keeper of a private prison) under certain statutes. The draft deals with the issues raised by Attorney Sappenfield as follows: a) it gives superintendents or wardens of private prisons some law enforcement authority (ss. 301.29 (2) and 302.07, stats.); b) it gives DOC authority to investigate private prisons (s. 301.36, stats.); c) it allows transfer and commitment of private prison inmates under ss. 51.20 and 51.37, stats.; d) it requires DOC to notify victims of an escape from a private prison (s. 301.38, stats.); d) it prohibits delivery of contraband to a private prison (s. 302.095 (2), stats.); and e) it makes it clear that private prisoners are covered under ss. 940.20 and 946.43, stats. Do all of these provisions effect your intent?

The draft does *not* address the following two statutes in Attorney Sappenfield’s list. The first statute is s. 301.03 (2), stats., which does not appear to need amending because DOC is essentially supervising custody and discipline through the contract with a private prison (just as it is currently with respect to out-of-state prisoners). The second statute is s. 301.28, stats., which deals with training of state correctional



officers. As Attorney Sappenfield mentioned in her memorandum, you may want to require training for private prison guards. If so, the draft will have to be changed to do that.

2. As noted above, the draft generally treats private prisons like state prisons. At the same time, the draft provides that participants in the adult intensive sanctions program and the serious juvenile offender program may not be placed in a private prison during any correctional placement under those programs. Is that your intent?

The draft also leaves alone certain provisions of current law that it seemed logical to apply only to state prisons. In particular, the draft does not affect a number of provisions of chs. 301 to 304 that relate to state prison facilities and employees, and the draft generally does not treat private prison guards as state prison guards. However, the draft does include private prison guards in the definition of "correctional officer" under ss. 252.14 (1) (ad), 252.15 (1) (ad) and 941.237 (1) (b), stats. Is that your intent?

3. When we were searching the statutes for current statutes relating to state prisons we found a good amount of inconsistent and downright archaic terminology. To help clarify what statutes apply to private prisons we have attempted to eliminate some of the inconsistencies and archaisms. Specifically, this draft generally eliminates the use of "penal institution", "penal facility" and "penitentiary" and substitutes prison or correctional institution, depending on the context.

The draft also replaces "correctional facility" with "correctional institution" except: a) with respect to juvenile secured correctional facilities defined in s. 938.02 (15m), stats.; and b) where the context seems clearly to be referring to an institution's physical plant or bricks and mortar (e.g., ss. 20.410 (1) (gm) and (3) (e), 20.866 (2) (ux) and 301.18 (4), stats.; compare ss. 301.046 (1) and 301.048 (4) (b), stats., which distinguish between "facilities" and the "institution"). The draft does not make terminology changes in s. 302.25, stats., the interstate corrections compact, or ch. 976, which contains the uniform acts concerning criminal procedure.

Finally, the draft does not eliminate the references to "municipal prison" in ss. 250.04 (10) and 302.30, stats., because we have not yet been able to determine whether such a thing still exists. If the term is archaic and no such thing exists anymore, the references could be eliminated in the next draft.

4. For purposes of getting out a preliminary draft, this draft provides that a private prison operating in this state may house Wisconsin prisoners only. See proposed s. 302.28. If you want to allow private prisons to take prisoners from other states, then we need to discuss whether you want DOC or some other agency to have any licensing or other regulatory authority over private prisons and, if so, what that authority will be. (You could of course leave much of the regulatory detail to be established in agency rules.)

Please let us know if you have any questions or changes. If you would like to discuss in more detail the numerous current statutes dealing with prisons and how they are affected by this draft, we would be happy to set up a meeting to do so.

Jefren E. Olsen  
Legislative Attorney  
266-8906

Richard A. Champagne  
Legislative Attorney  
266-9930



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0475/P1  
JEO & RAC:.....

D-Note

Wanted by 12/30  
(to be converted to a budget draft)

jlg

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

gen cat

1 AN ACT ...; relating to: authorizing the department of corrections to contract  
2 with private persons for the confinement of Wisconsin prison inmates in private  
3 prisons in this state.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4 SECTION 1. 16.385 (7) of the statutes is amended to read:  
5 16.385 (7) INDIVIDUALS IN STATE<sup>✓</sup> PRISONS. No payment under sub. (6) may be  
6 made to a prisoner who is imprisoned in a state prison under s. 302.01<sup>✓</sup> or to a person  
7 placed at a secured correctional facility, as defined in s. 938.02 (15m), or a secured  
8 child caring institution, as defined in s. 938.02 (15g).

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359, 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats 1995 s. 16.385; 1995 a. 77, 417.

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

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 <sup>✓</sup>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.

History: 1971 c. 125; 1977 c. 418; 1979 c. 221; 1985 a. 29; 1989 a. 31; 1995 a. 27, 77; 1997 a. 35.

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

1 police officer who is employed by the department and who is performing duties that  
 2 are within the scope of his or her employment as a police officer has the powers of a  
 3 peace officer under s. ~~59.24~~ 59.28,<sup>✓</sup> except that the officer has the arrest powers of a  
 4 law enforcement officer under s. 968.07 regardless of whether the violation is  
 5 punishable by forfeiture or criminal penalty. The officer may exercise the powers of  
 6 a peace officer and the arrest powers of a law enforcement officer while located  
 7 anywhere within this state. Nothing in this subsection limits or impairs the duty of  
 8 the chief and each police officer of the police force of the municipality in which the  
 9 property is located to arrest and take before the proper court or magistrate persons  
 10 found in a state of intoxication or engaged in any disturbance of the peace or violating  
 11 any state law in the municipality in which the property is located, as required by s.  
 12 62.09 (13).

History: 1971 c. 183; 1975 c. 41 s. 52; 1977 c. 418, 1979 c. 34, 221, 1981 c. 314; 1983 a. 36 s. 96 (4); 1983 a. 435 s. 7; 1983 a. 524; 1985 a. 135 s. 83 (5); 1987 a. 27; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27, 174.

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

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

History: 1981 c. 335; 1985 a. 26, 29, 332; 1987 a. 305; 1991 a. 39, 1991 a. 269 ss. 26pd, 33b; 1993 a. 215, 263, 491, 1995 a. 158; 1997 a. 79, 94.

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

19 19.35 (1) (am) 2. c. Endanger the security of any ~~state correctional institution,~~  
 20 ~~as defined in s. 301.01 (4)~~ prison<sup>✓</sup>, jail, as defined in s. 165.85 (2) (bg), secured  
 21 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,  
 22 as defined in s. 938.02 (15g), mental health institute, as defined in s. 51.01 (12),

1 center for the developmentally disabled, as defined in s. 51.01 (3), or the population  
2 or staff of any of these institutions, facilities or jails.

3 History: 1981 c. 335, 391; 1991 a. 39, 1991 a. 269 ss. 34am, 40am; 1993 a. 93; 1995 a. 77, 158; 1997 a. 94, 133.

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

4 20.410 (1) (c) *Reimbursement claims of counties containing* ✓ *state prisons.* A  
5 sum sufficient to pay all valid claims made by county clerks of counties containing  
6 *state* ✓ *prisons* as provided in s. 16.51 (7).

7 History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284.

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

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

12 History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284.

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

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

17 History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284.

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

18 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the  
19 schedule for care provided by the centers for the developmentally disabled to  
20 reimburse the cost of providing the services and to remit any credit balances to  
21 county departments that occur on and after July 1, 1978, in accordance with s. 51.437  
22 (4rm) (c); for care provided by the mental health institutes, to reimburse the cost of  
23 providing the services and to remit any credit balances to county departments that

1 occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for  
2 maintenance of state-owned housing at centers for the developmentally disabled  
3 and mental health institutes; for repair or replacement of property damaged at the  
4 mental health institutes or at centers for the developmentally disabled; and for  
5 reimbursing the total cost of using, producing and providing services, products and  
6 care. All moneys received as payments from medical assistance on and after August  
7 1, 1978; as payments from all other sources including other payments under s. 46.10  
8 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical  
9 assistance payments, other payments under s. 46.10 and payments under s. 51.42  
10 (3) (as) 2. received on and after January 1, 1979; as payments under s. 51.07 (4); as  
11 payments for the rental of state-owned housing and other institutional facilities at  
12 centers for the developmentally disabled and mental health institutes; for the sale  
13 of electricity, steam or chilled water; as payments in restitution of property damaged  
14 at the mental health institutes or at centers for the developmentally disabled; for the  
15 sale of surplus property, including vehicles, at the mental health institutes or at  
16 centers for the developmentally disabled; and for other services, products and care  
17 shall be credited to this appropriation, except that any payment under s. 46.10  
18 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20  
19 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9)  
20 (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed  
21 under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of  
22 patients transferred from a state<sup>✓</sup>prison under s. 51.37 (5), to Mendota mental health

1 institute or Winnebago mental health institute shall be treated as general purpose  
2 revenue — earned, as defined under s. 20.001 (4).

**History:** 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336, 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52, 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80, 1977 c. 29 ss. 236 to 273, 1657 (18), 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55), 1977 c. 428 s. 115, 1977 c. 447, 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6, 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53, 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293.

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

4 **20.917 (5) (a) (intro.)** To encourage affirmative action, as defined in s. 230.03  
5 (2), at the ~~correctional facilities~~ state prisons under s. 302.01, the department of  
6 corrections may, from the appropriation under s. 20.410 (1) (a), reimburse an  
7 employe for any of the following expenses incurred during the first 30 days of  
8 employment or the first 30 days following successful completion of a preservice  
9 training program:

**History:** 1971 c. 125, 1975 c. 39; 1977 c. 29 s. 1654 (9) (f); 1977 c. 418; 1979 c. 32; 1981 c. 20, 140; 1981 c. 347 ss. 7, 8, 80 (2) and (4); 1981 c. 391; 1983 a. 27 ss. 581 to 586, 2200 (15); 1983 a. 30, 192; 1985 a. 34; 1987 a. 32; 1989 a. 31; 1993 a. 12, 16, 246.

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

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

**History:** 1993 a. 16; 1997 a. 248 s. 375; Stats 1997 s. 29.199.

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

20 **38.04 (12) PRISON INMATE EDUCATIONAL PROGRAM.** The board may establish  
21 vocational educational programs for prison inmates ~~within the state correctional~~



1 ~~system~~ and contract with the departments of corrections and health and family  
 2 services for reimbursement of that portion of the district program costs which  
 3 exceeds amounts received as state and federal aid.

**History:** 1971 c. 154, 211; 1973 c. 90, 333; 1975 c. 39, 1977 c. 29; 1979 c. 221; 1981 c. 20, 1981 c. 93 ss. 19m, 30m, 30o; 1981 c. 269, 314, 1983 a. 27, 379; 1985 a. 12, 29; 1985 a. 332 s. 251 (1), 1987 a. 27; 1989 a. 31, 107, 125, 169, 299, 335, 336; 1991 a. 39, 227, 250; 1993 a. 16, 223, 377, 399, 455, 491; 1995 a. 27 ss. 1800n to 1803, 9126 (19) and 9145 (1); 1995 a. 342; 1997 a. 27.

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

5 **38.24 (1m) (d) Programs for inmates.** Uniform fees, for vocational programs  
 6 or courses offered to <sup>✓</sup>state prison inmates at a district facility by the department of  
 7 corrections or the department of health and family services in cooperation with a  
 8 district board, equal to the fees established under par. (b).

**History:** 1971 c. 154, 211, 228; 1975 c. 39, 224; 1977 c. 29, 418; 1981 c. 20; 1983 a. 27; 1985 a. 29, 1987 a. 27; 1989 a. 31, 107, 336; 1991 a. 39 ss. 1103 to 1108m, 1117, 1993 a. 16, 223, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 228; 1997 a. 27, 163, 292; s. 13.93 (1) (b).

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

10 **40.02 (48) (c)** In s. 40.65, “protective occupation participant” means a  
 11 participating employe who is a police officer, fire fighter, an individual determined  
 12 by a participating employer under par. (a) or (bm) to be a protective occupation  
 13 participant, county undersheriff, deputy sheriff, state probation and parole officer,  
 14 county traffic police officer, conservation warden, state forest ranger, field  
 15 conservation employe of the department of natural resources who is subject to call  
 16 for forest fire control or warden duty, member of the state traffic patrol, state motor  
 17 vehicle inspector, university of Wisconsin system full-time police officer, guard or  
 18 any other employe whose principal duties are supervision and discipline of inmates  
 19 at a state ~~penal~~ correctional <sup>✓</sup>institution, excise tax investigator employed by the  
 20 department of revenue, person employed under s. 61.66 (1), or special criminal  
 21 investigation agent employed by the department of justice.

**History:** 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20, 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31, 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315, 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238.

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

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

History: 1981 c. 20; 1989 a. 31, 107.

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

10           46.10 (2m) The liability specified in sub. (2) shall not apply to tuberculosis  
11 patients receiving care, maintenance, services and supplies under ss. 58.06 and  
12 252.07 to 252.10, to persons 18 and older receiving care, maintenance, services and  
13 supplies provided by ~~prisons named in s. 302.01~~ a prison or to parents of a minor who  
14 receives care for alcohol or drug abuse under s. 51.47 (1) without consent of the  
15 minor's parent or guardian.

History: 1971 c. 125; 1971 c. 213 s. 5; 1973 c. 90 ss. 223, 223m, 560 (3); 1973 c. 198, 333; 1975 c. 39 ss. 347 to 350, 734; 1975 c. 41, 94; 1975 c. 189 s. 99 (2); 1975 c. 198, 199, 224, 1975 c. 413 s. 18; 1975 c. 428; 1975 c. 430 ss. 6, 80; 1977 c. 29, 203; 1977 c. 418 ss. 294 to 295, 924 (50), 929 (18); 1977 c. 428; 1977 c. 447 s. 206; 1977 c. 449 ss. 75, 497; 1979 c. 34; 1979 c. 102 ss. 236 (4), 237; 1979 c. 117, 221, 331; 1981 c. 20 ss. 755 to 758, 2202 (20) (i), (n); 1981 c. 81; 1983 a. 27 ss. 955m, 2202 (20); 1985 a. 29, 176, 281, 332; 1987 a. 307; 1989 a. 31, 56, 96, 212; 1991 a. 39, 221, 315, 316; 1993 a. 16, 27, 385, 437, 446, 479, 481; 1995 a. 27 ss. 2054, 2055, 9130 (4); 1995 a. 77, 224, 404, 1997 a. 3, 27, 35, 237, 308.

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

17           46.22 (1) (c) 2. Subdivision 1. does not authorize the county department of  
18 social services to make investigations regarding admission to or release from the  
19 Waupun correctional institution, the Columbia correctional institution, the Racine  
20 correctional institution, the Racine Youthful Offender Correctional Facility, the  
21 correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), the  
22 correctional institution authorized under s. 301.046 (1), the correctional institution  
23 authorized under s. 301.048 (4) (b), the correctional institution authorized under s.

1 301.16 (1n), the Oshkosh correctional institution, the Green Bay correctional  
 2 institution, the Dodge correctional institution, the Taycheedah correctional  
 3 institution, a private prison operating under a contract under s. 301.21 (3), county  
 4 houses of correction, jails, detention homes or reforestation camps.

**History:** 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252.

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

6 **48.366 (8) TRANSFER TO OR BETWEEN FACILITIES.** The department of corrections  
 7 may transfer a person subject to an order between secured correctional facilities.  
 8 After the person attains the age of 17 years, the department of corrections may place  
 9 the person in a state prison <sup>✓</sup>~~named in s. 302.01~~. If the person is 15 years of age or  
 10 over, the department of corrections may transfer the person to the Racine youthful  
 11 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). If  
 12 the department of corrections places a person subject to an order under this section  
 13 in a state <sup>✓</sup>prison, that department shall provide services for that person from the  
 14 appropriate appropriation under s. 20.410 (1). The department of corrections may  
 15 transfer a person placed in a <sup>✓</sup>state prison under this subsection to or between state  
 16 prisons ~~named in s. 302.01~~ as provided under s. 302.18 (1) <sup>✓</sup> without petitioning for  
 17 revision of the order under sub. (5) (a).

**History:** 1987 a. 27, 1989 a. 31, 107, 359; 1993 a. 98, 385; 1995 a. 27, 77; 1997 a. 27, 35.

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

19 **48.78 (2) (d) 3.** Subject to an order under s. 48.366 and placed in a <sup>✓</sup>state prison  
 20 under s. 48.366 (8).

**History:** 1979 c. 34; 1981 c. 359; 1983 a. 471 s. 7; 1985 a. 29 s. 3202 (23); 1985 a. 176, 292, 332; 1987 a. 332; 1989 a. 31, 107, 336; 1991 a. 17, 39; 1993 a. 16, 92, 95, 218, 227, 377, 385, 395, 479, 491; 1995 a. 27 ss. 2610 to 2614p, 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283, 292.

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

22 **49.32 (7) (d)** The department, with assistance from the department of  
 23 corrections, shall conduct a program to periodically match the records of persons in

1 the custody of the department of corrections✓ who are confined in state correctional  
 2 facilities a prison✓ with the records of recipients of medical assistance under s. 49.46,  
 3 49.468 or 49.47, aid to families with dependent children under s. 49.19 and the food  
 4 stamp program under 7 USC 2011 to 2029 to identify recipients who may be ineligible  
 5 for benefits.

6 **History:** 1995 a. 27 ss. 2035 to 2037, 2276d, 2805 to 2809, 2927 to 2930, 3146 to 3149; 1995 a. 289, 361, 370, 404; 1997 a. 27, 35, 237, 252, 283.

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

7 49.84 (1) Any person who applies for any public assistance shall execute the  
 8 application or self-declaration in the presence of the welfare worker or other person  
 9 processing the application. This subsection does not apply to any superintendent of  
 10 a mental health institute, director of a center for the developmentally disabled,  
 11 superintendent of a state treatment facility or superintendent of a state✓correctional  
 12 facility institution✓ who applies for public assistance on behalf of a patient.

13 **History:** 1971 c. 334; 1979 c. 221; 1985 a. 29 ss. 1005m, 3200 (23); 1985 a. 315; 1989 a. 31; 1995 a. 27 ss. 2798 to 2801b, 2803, 2804, 3210, 3211, 9126 (19), Stats. 1995  
 s 49.84, 1995 a. 289.

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

14 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,  
 15 58.06, 252.073, 252.076 and 252.10, secured correctional facilities as defined in s.  
 16 938.02 (15m), correctional institutions governed by the department of corrections  
 17 under s. 301.02, private prisons operating under a contract under s.✓301.21 (3) and  
 18 the offices and clinics of persons licensed to treat the sick under chs. 446, 447 and 448  
 19 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights  
 20 of the medical examining board, physical therapists affiliated credentialing board,  
 21 podiatrists affiliated credentialing board,✓ dentistry examining board, pharmacy  
 22 examining board, chiropractic examining board and board of nursing in carrying out  
 23 their statutory duties and responsibilities.

**History:** 1971 c. 164; 1975 c. 39; 1975 c. 413 ss. 4, 18; 1975 c. 430 s. 80; Stats. 1975 s. 50.39; 1977 c. 203; 1979 c. 89, 221, 337, 355, 1985 a. 332 s. 251 (1), 1989 a. 31,  
 37, 107; 1991 a. 39; 1993 a. 27, 30, 107; 1995 a. 27, 77; 1997 a. 175.

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

2           51.20 (1) (ar) (intro.) If the individual is an inmate of a state<sup>✓</sup> prison, the petition  
3           may allege that the inmate is mentally ill, is a proper subject for treatment and is  
4           in need of treatment. The petition shall allege that appropriate less restrictive forms  
5           of treatment have been attempted with the individual and have been unsuccessful  
6           and it shall include a description of the less restrictive forms of treatment that were  
7           attempted. The petition shall also allege that the individual has been fully informed  
8           about his or her treatment needs, the mental health services available to him or her  
9           and his or her rights under this chapter and that the individual has had an  
10          opportunity to discuss his or her needs, the services available to him or her and his  
11          or her rights with a licensed physician or a licensed psychologist. The petition shall  
12          include the inmate's sentence and his or her expected date of release as determined  
13          under s. 302.11 or 302.113, whichever is applicable. The petition shall have attached  
14          to it a signed statement by a licensed physician or a licensed psychologist of a<sup>✓</sup> state  
15          prison and a signed statement by a licensed physician or a licensed psychologist of  
16          a state treatment facility attesting either of the following:

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 W (2d) xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 W (2d) xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 W (2d) xv (1997); 1997 a. 35, 130, 237, 283.

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

18          51.20 (7) (b) If the subject individual is not detained or is an inmate of a<sup>✓</sup> state  
19          prison, county jail or house of correction, the court shall hold a hearing within a  
20          reasonable time of the filing of the petition, to determine whether there is probable  
21          cause to believe the allegations made under sub. (1).

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 W (2d) xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 W (2d) xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 W (2d) xv (1997); 1997 a. 35, 130, 237, 283.

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

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

History: 1975 c. 430, 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 W (2d) xiii; 1979 c. 32, 89, Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 W (2d) xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 W (2d) xv (1997), 1997 a. 35, 130, 237, 283

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

15          51.20 (11) (a) If before involuntary commitment a jury is demanded by the  
16          individual against whom a petition has been filed under sub. (1) or by the individual's  
17          counsel if the individual does not object, the court shall direct that a jury of 6 people  
18          be selected to determine if the allegations specified in sub. (1) (a), (ar) or (av) are true.  
19          A jury trial is deemed waived unless demanded at least 48 hours in advance of the  
20          time set for final hearing, if notice of that time has been previously provided to the  
21          subject individual or his or her counsel. If a jury trial demand is filed within 5 days  
22          of detention, the final hearing shall be held within 14 days of detention. If a jury trial  
23          demand is filed later than 5 days after detention, the final hearing shall be held

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

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 W (2d) xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 W (2d) xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 W (2d) xv (1997); 1997 a. 35, 130, 237, 283

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

8 51.20 (13) (a) 3. If the individual is not an inmate of a <sup>✓</sup>state prison, county jail  
 9 or house of correction and the allegations specified in sub. (1) (a) are proven, order  
 10 commitment to the care and custody of the appropriate county department under s.  
 11 51.42 or 51.437, or if inpatient care is not required order commitment to outpatient  
 12 treatment under care of such county department; or

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 W (2d) xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 W (2d) xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 W (2d) xv (1997); 1997 a. 35, 130, 237, 283.

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

14 51.20 (13) (a) 4. If the individual is an inmate of a state <sup>✓</sup>prison and the  
 15 allegations under sub. (1) (a) or (ar) are proven, order commitment to the department  
 16 and either authorize the transfer of the inmate to a state treatment facility or if  
 17 inpatient care is not needed authorize treatment on an outpatient basis in the prison;  
 18 or

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 W (2d) xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 W (2d) xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 W (2d) xv (1997); 1997 a. 35, 130, 237, 283.

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

1           51.20 (19) (b) 1. Establishing standards for the use of psychotropic drugs on  
2 prisoners in a state<sup>✓</sup> prison and inmates committed under sub. (1) (ar).

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 W (2d) xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219, 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27, Sup. Ct. Order, 141 W (2d) xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 W (2d) xv (1997); 1997 a. 35, 130, 237, 283.

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

4           51.30 (4) (b) 10. (intro.) To a correctional facility or to a probation, extended  
5 supervision and parole agent who is responsible for the supervision of an individual  
6 who is receiving inpatient or outpatient evaluation or treatment under this chapter  
7 in a program that is operated by, or is under contract with, the department or a  
8 county department under s. 51.42 or 51.437, or in a treatment facility, as a condition  
9 of the probation, extended supervision and parole supervision plan, or whenever  
10 such an individual is transferred from a state or local<sup>✓</sup> correctional facility institution<sup>✓</sup>  
11 to such a treatment program and is then transferred back to the correctional facility  
12 institution<sup>✓</sup>. Every probationer, parolee or person on extended supervision who  
13 receives evaluation or treatment under this chapter shall be notified of the  
14 provisions of this subdivision by the individual's probation, extended supervision  
15 and parole agent. Release of records under this subdivision is limited to:

History: 1975 c. 430; 1977 c. 26 s. 75; 1977 c. 61, 428; 1979 c. 110 s. 60 (1); 1983 a. 27, 292, 398, 538; 1985 a. 29, 176, 1985 a. 292 s. 3; 1985 a. 332 ss. 97, 98, 251 (1); 1987 a. 352, 355, 362, 367, 399, 403; 1989 a. 31, 334, 336; 1991 a. 39, 189; 1993 a. 196, 445, 479; 1995 a. 169, 440; 1997 a. 35, 231, 237, 283, 292, s. 13.93 (2) (c).

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

17           51.30 (4) (b) 10. c. When an individual is transferred from a treatment facility  
18 back to a correctional facility institution<sup>✓</sup>, the information provided under subd. 10.  
19 d.

History: 1975 c. 430; 1977 c. 26 s. 75; 1977 c. 61, 428; 1979 c. 110 s. 60 (1); 1983 a. 27, 292, 398, 538; 1985 a. 29, 176; 1985 a. 292 s. 3; 1985 a. 332 ss. 97, 98, 251 (1); 1987 a. 352, 355, 362, 367, 399, 403; 1989 a. 31, 334, 336; 1991 a. 39, 189; 1993 a. 196, 445, 479; 1995 a. 169, 440; 1997 a. 35, 231, 237, 283, 292; s. 13.93 (2) (c).

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

21           51.30 (4) (b) 10. d. Any information necessary to establish, or to implement  
22 changes in, the individual's treatment plan or the level and kind of supervision on



1 probation, extended supervision or parole, as determined by the director of the  
2 facility or the treatment director. In cases involving a person transferred back to a  
3 correctional ~~facility~~ institution,<sup>✓</sup> disclosure shall be made to clinical staff only. In  
4 cases involving a person on probation, extended supervision or parole, disclosure  
5 shall be made to a probation, extended supervision and parole agent only. The  
6 department shall promulgate rules governing the release of records under this  
7 subdivision.

History: 1975 c. 430; 1977 c. 26 s. 75; 1977 c. 61, 428; 1979 c. 110 s. 60 (1), 1983 a. 27, 292, 398, 538; 1985 a. 29, 176; 1985 a. 292 s. 3; 1985 a. 332 ss. 97, 98, 251 (1);  
1987 a. 352, 355, 362, 367, 399, 403; 1989 a. 31, 334, 336; 1991 a. 39, 189; 1993 a. 196, 445, 479; 1995 a. 169, 440; 1997 a. 35, 231, 237, 283, 292; s. 13.93 (2) (c)

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

9 51.35 (3) (a) A licensed psychologist of a juvenile correctional ~~facility~~  
10 institution<sup>✓</sup> or a secured child caring institution, as defined in s. 938.02 (15g), or a  
11 licensed physician of the department of corrections, who has reason to believe that  
12 any individual confined in the ~~facility~~<sup>✓</sup> or institution is, in his or her opinion, in need  
13 of services for developmental disability, alcoholism or drug dependency or in need of  
14 psychiatric services, and who has obtained voluntary consent to make a transfer for  
15 treatment, shall make a report, in writing, to the superintendent of the ~~facility~~<sup>✓</sup> or  
16 institution, stating the nature and basis of the belief and verifying the consent. In  
17 the case of a minor age 14 and over, the minor and the minor's parent or guardian  
18 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of  
19 a minor under the age of 14, only the minor's parent or guardian need consent. The  
20 superintendent shall inform, orally and in writing, the minor and the minor's parent  
21 or guardian, that transfer is being considered and shall inform them of the basis for  
22 the request and their rights as provided in s. 51.13 (3). If the department of  
23 corrections, upon review of a request for transfer, determines that transfer is  
24 appropriate, that department shall immediately notify the department of health and

1 family services and, if the department of health and family services consents, the  
 2 department of corrections may immediately transfer the individual. The  
 3 department of corrections shall file a petition under s. 51.13 (4) (a) in the court  
 4 assigned to exercise jurisdiction under chs. 48 and 938 of the county where the  
 5 treatment facility is located.

**History:** 1975 c. 430 ss. 18, 81, 1977 c. 26, 29, 428; 1979 c. 110 s. 60 (1); 1981 c. 74 s. 2; 1981 c. 314 s. 144; 1983 a. 27, 441, 474; 1985 a. 29, 176, 332; 1987 a. 366, 403; 1989 a. 31, 56, 107; 1991 a. 39; 1993 a. 451; 1995 a. 27 ss. 3258m, 3259m, 9126 (19); 1995 a. 77, 292; 1997 a. 35.

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

7 51.35 (3) (c) A licensed psychologist of a juvenile correctional ~~facility~~ institution<sup>✓</sup>  
 8 or a secured child caring institution, as defined in s. 938.02 (15g), or a licensed  
 9 physician of the department, who has reason to believe that any individual confined  
 10 in the ~~facility~~ or institution<sup>✓</sup>, in his or her opinion, is mentally ill, drug dependent or  
 11 developmentally disabled and is dangerous as described in s. 51.20 (1) (a) 2. a., b.,  
 12 c. or d., is mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a)  
 13 2. e. or is an alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall  
 14 file a written report with the superintendent of the ~~facility~~ or institution<sup>✓</sup>, stating the  
 15 nature and basis of the belief. If the superintendent, upon review of the allegations  
 16 in the report, determines that transfer is appropriate, he or she shall file a petition  
 17 according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under chs.  
 18 48 and 938 of the county where the correctional ~~facility~~ institution<sup>✓</sup> or secured child  
 19 caring institution is located. The court shall hold a hearing according to procedures  
 20 provided in s. 51.20 or 51.45 (13).

NOTE: NOTE: Par. (c) is repealed and recreated eff. 12-1-01 by 1995 Wis. Act 292 to read: NOTE: ✓

21 **SECTION 35.** 51.35 (3) (c) of the statutes, as affected by 1995 Wisconsin Act 292<sup>✓</sup>  
 22 and 1999 Wisconsin Act ... (this act), is repealed and recreated to read:

23 51.35 (3) (c) A licensed psychologist of a juvenile correctional institution<sup>✓</sup> or a  
 24 licensed physician of the department<sup>✓</sup> of corrections, who has reason to believe that

1 any individual confined in the institution, in his or her opinion, is mentally ill, drug  
 2 dependent or developmentally disabled and is dangerous as described in s. 51.20 (1)  
 3 (a) 2.,<sup>✓</sup> or is an alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2.,  
 4 shall file a written report with the<sup>✓</sup> superintendent of the institution, stating the  
 5 nature and basis of the belief. If the superintendent, upon review of the allegations  
 6 in the report, determines that transfer is appropriate, he or she shall file a petition  
 7 according to s. 51.20 or 51.45<sup>✓</sup> in the court assigned to exercise jurisdiction under ch.  
 8 48 of the county where the correctional institution<sup>✓</sup> is located. The court shall hold  
 9 a hearing according to procedures provided in s. 51.20<sup>✓</sup> or 51.45 (13)<sup>✓</sup>.

History: 1975 c. 430 ss 18, 81, 1977 c. 26, 29, 428; 1979 c. 110 s. 60 (1), 1981 c. 74 s. 2; 1981 c. 314 s. 144; 1983 a. 27, 441, 474; 1985 a. 29, 176, 332; 1987 a. 366, 403; 1989 a. 31, 56, 107; 1991 a. 39; 1993 a. 451; 1995 a. 27 ss. 3258m, 3259m, 9126 (19), 1995 a. 77, 292; 1997 a. 35.

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

11 51.35 (3) (e) The department of corrections may authorize emergency transfer  
 12 of an individual from a juvenile correctional ~~facility~~ institution<sup>✓</sup> or a secured child  
 13 caring institution, as defined in s. 938.02 (15g), to a state treatment facility if there  
 14 is cause to believe that the individual is mentally ill, drug dependent or  
 15 developmentally disabled and exhibits conduct which constitutes a danger as  
 16 described under s. 51.20 (1) (a) 2. a., b., c. or d. to the individual or to others, is  
 17 mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a) 2. e. or is  
 18 an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The custodian  
 19 of the sending ~~facility~~<sup>✓</sup> or institution shall execute a statement of emergency  
 20 detention or petition for emergency commitment for the individual and deliver it to  
 21 the receiving state treatment facility. The department of health and family services  
 22 shall file the statement or petition with the court within 24 hours after the subject  
 23 individual is received for detention or commitment. The statement or petition shall  
 24 conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made,

1 the director of the receiving facility may file a petition for continued commitment  
 2 under s. 51.20 (1) or 51.45 (13) or may return the individual to the facility or  
 3 institution from which the transfer was made. As an alternative to this procedure,  
 4 the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no prisoner  
 5 may be released without the approval of the court which directed confinement in the  
 6 correctional ~~facility~~ institution or secured child caring institution.

~~NOTE: NOTE: Par. (e) is repealed and recreated eff. 12-1-01 by 1995 Wis. Act 292 to read: NOTE:~~

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

9 51.35 (3) (e) The department may authorize emergency transfer of an  
 10 individual from a juvenile correctional institution to a state treatment facility if  
 11 there is cause to believe that the individual is mentally ill, drug dependent or  
 12 developmentally disabled and exhibits conduct which constitutes a danger as  
 13 described under s. 51.20 (1) (a) 2. ✓ to the individual or to others, or is an alcoholic and  
 14 is dangerous as provided in s. 51.45 (13) (a) 1. and 2. ✓ The correctional custodian of  
 15 the sending institution shall execute a statement of emergency detention or petition  
 16 for emergency commitment for the individual and deliver it to the receiving state  
 17 treatment facility. The department shall file the statement or petition with the court  
 18 within 24 hours after the subject individual is received for detention or commitment.  
 19 The statement or petition shall conform to s. 51.15 (4) ✓ or (5) ✓ or 51.45 (12) (b). ✓ After  
 20 an emergency transfer is made, the director of the receiving facility may file a  
 21 petition for continued commitment under s. 51.20 (1) or 51.45 (13) or may return the  
 22 individual to the institution from which the transfer was made. As an alternative  
 23 to this procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used, except

1 that no prisoner may be released without the approval of the court which directed  
2 confinement in the correctional institution.

**History:** 1975 c. 430 ss. 18, 81; 1977 c. 26, 29, 428; 1979 c. 110 s. 60 (1); 1981 c. 74 s. 2; 1981 c. 314 s. 144; 1983 a. 27, 441, 474; 1985 a. 29, 176, 332; 1987 a. 366, 403; 1989 a. 31, 56, 107; 1991 a. 39; 1993 a. 451; 1995 a. 27 ss. 3258m, 3259m, 9126 (19); 1995 a. 77, 292; 1997 a. 35.

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

4 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment  
5 facility under par. (a) may request in writing a return to the juvenile correctional  
6 ~~facility~~ institution or secured child caring institution, as defined in s. 938.02 (15g).  
7 In the case of a minor under 14 years of age, the parent or guardian may make the  
8 request. Upon receipt of a request for return from a minor 14 years of age or over,  
9 the director shall immediately notify the minor's parent or guardian. The minor  
10 shall be returned to the juvenile correctional ~~facility~~ institution or secured child  
11 caring institution within 48 hours after submission of the request unless a petition  
12 or statement is filed for emergency detention, emergency commitment, involuntary  
13 commitment or protective placement.

**History:** 1975 c. 430 ss. 18, 81; 1977 c. 26, 29, 428; 1979 c. 110 s. 60 (1); 1981 c. 74 s. 2; 1981 c. 314 s. 144; 1983 a. 27, 441, 474; 1985 a. 29, 176, 332; 1987 a. 366, 403; 1989 a. 31, 56, 107; 1991 a. 39; 1993 a. 451; 1995 a. 27 ss. 3258m, 3259m, 9126 (19); 1995 a. 77, 292; 1997 a. 35.

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

15 51.37 (5) (a) When a licensed physician or licensed psychologist of a ~~state~~  
16 prison, of a county jail or of the department of corrections reports in writing to the  
17 officer in charge of a jail or institution that any prisoner is, in his or her opinion,  
18 mentally ill, drug dependent, or developmentally disabled and is appropriate for  
19 treatment as described in s. 51.20 (1), or is an alcoholic and is dangerous as described  
20 in s. 51.45 (13) (a) 1. and 2.; or that the prisoner is mentally ill, drug dependent,  
21 developmentally disabled or is an alcoholic and is in need of psychiatric or  
22 psychological treatment, and that the prisoner voluntarily consents to a transfer for  
23 treatment, the officer shall make a written report to the department of corrections

1 which may transfer the prisoner if a voluntary application is made and the  
2 department of health and family services consents. If voluntary application is not  
3 made, the department of corrections may file a petition for involuntary commitment  
4 under s. 51.20 (1) or 51.45 (13). Any time spent by a prisoner in an institution  
5 designated under sub. (3) or s. 51.37 (2), 1983 stats., shall be included as part of the  
6 individual's sentence.

History: 1975 c. 430; 1977 c. 418 ss. 360 to 362, 929 (55); 1977 c. 428 ss. 80, 81, 115; 1977 c. 447; 1977 c. 449 s. 497; 1979 c. 32, 117, 175, 221; 1983 a. 27, 359, 474; 1985 a. 29 ss. 1075 to 1077, 3200 (56), 3202 (23); 1985 a. 176; 1987 a. 307, 394; 1989 a. 31, 359; 1991 a. 39, 269; 1995 a. 27 s. 9126 (19); 1995 a. 292; 1997 a. 181, 283.

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

8 **51.37 (8) (b)** If the condition of any prisoner or inmate committed or transferred  
9 under this section requires psychiatric or psychological treatment after his or her  
10 date of release as determined under s. 302.11 or 302.113, whichever is applicable, the  
11 director of the state treatment facility shall, within a reasonable time before the  
12 release date of the prisoner or inmate, make a written application to the court which  
13 committed the prisoner or inmate under sub. (5) (a). Thereupon, the proceeding shall  
14 be upon application made under s. 51.20, but no physician or psychologist who is  
15 connected with a <sup>✓</sup>state prison, Winnebago or Mendota mental health institute or any  
16 county jail or house of correction may be appointed as an examiner. If the court does  
17 not commit the prisoner or inmate, it may dismiss the application and order the  
18 prisoner or inmate returned to the institution from which he or she was transferred  
19 until the release date of the prisoner or inmate. If the court commits the prisoner or  
20 inmate for the period commencing upon his or her release date, the commitment  
21 shall be to the care and custody of the county department under s. 51.42 or 51.437.

History: 1975 c. 430; 1977 c. 418 ss. 360 to 362, 929 (55); 1977 c. 428 ss. 80, 81, 115; 1977 c. 447; 1977 c. 449 s. 497; 1979 c. 32, 117, 175, 221; 1983 a. 27, 359, 474; 1985 a. 29 ss. 1075 to 1077, 3200 (56), 3202 (23); 1985 a. 176; 1987 a. 307, 394; 1989 a. 31, 359; 1991 a. 39, 269; 1995 a. 27 s. 9126 (19); 1995 a. 292; 1997 a. 181, 283.

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

1           51.37 (10) (e) The director of the facility in which the patient under par. (am)  
2           is detained or committed shall notify <sup>✓</sup>the appropriate correctional officers of the  
3           department of corrections of the intention to grant a home visit or leave under this  
4           subsection at least 20 days prior to the departure of the patient from the facility.

History: 1975 c. 430; 1977 c. 418 ss. 360 to 362, 929 (55); 1977 c. 428 ss. 80, 81, 115; 1977 c. 447; 1977 c. 449 s. 497; 1979 c. 32, 117, 175, 221; 1983 a. 27, 359, 474; 1985 a. 29 ss. 1075 to 1077, 3200 (56), 3202 (23); 1985 a. 176; 1987 a. 307, 394; 1989 a. 31, 359; 1991 a. 39, 269; 1995 a. 27 s. 9126 (19), 1995 a. 292; 1997 a. 181, 283

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

6           51.37 (11) When an individual who is in the custody of or under the supervision  
7           of a ~~correctional officer~~ <sup>✓</sup>of the department of corrections is transferred, discharged  
8           or is on unauthorized absence from a treatment facility, the probation, extended  
9           supervision and parole agent or other individual within the department of  
10          corrections who is responsible for that individual's supervision shall be notified as  
11          soon as possible by the director of the treatment facility.

History: 1975 c. 430; 1977 c. 418 ss. 360 to 362, 929 (55); 1977 c. 428 ss. 80, 81, 115; 1977 c. 447; 1977 c. 449 s. 497; 1979 c. 32, 117, 175, 221; 1983 a. 27, 359, 474; 1985 a. 29 ss. 1075 to 1077, 3200 (56), 3202 (23); 1985 a. 176; 1987 a. 307, 394; 1989 a. 31, 359; 1991 a. 39, 269; 1995 a. 27 s. 9126 (19); 1995 a. 292; 1997 a. 181, 283.

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

13          51.40 (1) (j) "State facility" means a state mental health institute, a center for  
14          the developmentally disabled, a prison <sup>✓</sup>as specified in s. ~~302.01~~ or a facility that is  
15          operated directly by the department of health and family services or the department  
16          of corrections.

History: 1987 a. 27; 1989 a. 31, 359; 1995 a. 27 s. 9126 (19).

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

18          51.42 (3) (as) 1. A county department of community programs shall authorize  
19          all care of any patient in a state, local or private facility under a contractual  
20          agreement between the county department of community programs and the facility,  
21          unless the county department of community programs governs the facility. The need  
22          for inpatient care shall be determined by the program director or designee in  
23          consultation with and upon the recommendation of a licensed physician trained in

1 psychiatry and employed by the county department of community programs or its  
 2 contract agency. In cases of emergency, a facility under contract with any county  
 3 department of community programs shall charge the county department of  
 4 community programs having jurisdiction in the county where the patient is found.  
 5 The county department of community programs shall reimburse the facility for the  
 6 actual cost of all authorized care and services less applicable collections under s.  
 7 46.036, unless the department of health and family services determines that a  
 8 charge is administratively infeasible, or unless the department of health and family  
 9 services, after individual review, determines that the charge is not attributable to the  
 10 cost of basic care and services. A county department of community programs may  
 11 not reimburse any state institution or receive credit for collections for care received  
 12 therein by nonresidents of this state, interstate compact clients, transfers under s.  
 13 51.35 (3), and transfers from <sup>✓</sup>Wisconsin state prisons under s. 51.37 (5) (a),  
 14 commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14,  
 15 971.17 or 975.06 or admissions under s. 975.17, 1977 stats., or children placed in the  
 16 guardianship of the department of health and family services under s. 48.427 or  
 17 48.43 or under the supervision of the department of corrections under s. 938.183 or  
 18 938.355. The exclusionary provisions of s. 46.03 (18) do not apply to direct and  
 19 indirect costs which are attributable to care and treatment of the client.

**History:** 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ss. 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 274, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268

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

21 51.45 (15) (b) No provisions of this section may be deemed to contradict any  
 22 rules or regulations governing the conduct of any inmate of a <sup>✓</sup>state or county



1 correctional institution who is being treated in an alcoholic treatment program  
2 within the institution.

**History:** 1973 c. 198; 1975 c. 200, 428; 1975 c. 430 s. 80; 1977 c. 29; 1977 c. 187 ss. 44, 134, 135; 1977 c. 203 s. 106; 1977 c. 428; 1977 c. 449 s. 497, Sup. Ct. Order, 83 W (2d) xiii (1987); 1979 c. 32 s. 92 (11); Sup. Ct. Order, eff. 1-1-80; 1979 c. 221 ss. 417, 2200 (20); 1979 c. 300, 331, 356; 1981 c. 20, 1981 c. 79 s. 17; 1981 c. 289, 314; 1983 a. 27 ss. 1116 to 1121, 2202 (20); 1985 a. 29 s. 3202 (56); 1985 a. 139; 1985 a. 176 ss. 533 to 556, 615; 1985 a. 265; 1985 a. 332 s. 251 (1); 1987 a. 339, 366; 1989 a. 31, 336, 359; 1991 a. 39, 1993 a. 16, 27, 213, 451, 490; 1995 a. 27 ss. 3268, 3269, 9145 (1), 1995 a. 77, 225; 1997 a. 27, 35, 237.

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

4 **51.61 (1) (intro.)** In this section, “patient” means any individual who is  
5 receiving services for mental illness, developmental disabilities, alcoholism or drug  
6 dependency, including any individual who is admitted to a treatment facility in  
7 accordance with this chapter or ch. 48 or 55 or who is detained, committed or placed  
8 under this chapter or ch. 48, 55, 971, 975 or 980, or who is transferred to a treatment  
9 facility under s. 51.35 (3) or 51.37 or who is receiving care or treatment for those  
10 conditions through the department or a county department under s. 51.42 or 51.437  
11 or in a private treatment facility. “Patient” does not include persons committed  
12 under ch. 975 who are transferred to or residing in ~~any state a prison listed under~~  
13 ~~s. 302.01~~. In private hospitals and in public general hospitals, “patient” includes any  
14 individual who is admitted for the primary purpose of treatment of mental illness,  
15 developmental disability, alcoholism or drug abuse but does not include an  
16 individual who receives treatment in a hospital emergency room nor an individual  
17 who receives treatment on an outpatient basis at those hospitals, unless the  
18 individual is otherwise covered under this subsection. Except as provided in sub. (2),  
19 each patient shall:

**History:** 1975 c. 430; 1977 c. 428 ss. 96 to 109, 115; 1981 c. 20; 1981 c. 314 s. 144; 1983 a. 189 s. 329 (5); 1983 a. 293, 357, 538; 1985 a. 176; 1987 a. 366, 367, 403; 1989 a. 31; 1993 a. 184, 445, 479, 1995 a. 27 s. 9126 (19); 1995 a. 92, 268, 292, 1997 a. 292.

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

21 **51.61 (1) (b) 3.** Payment to a patient performing labor under this section shall  
22 not be applied to costs of treatment without the informed, written consent of such  
23 patient. This paragraph does not apply to individuals serving a criminal sentence

1 who are transferred from a ~~state correctional institution~~ <sup>✓</sup> prison under s. 51.37 (5) to  
2 a treatment facility.

History: 1975 c. 430; 1977 c. 428 ss. 96 to 109, 115; 1981 c. 20; 1981 c. 314 s. 144; 1983 a. 189 s. 329 (5); 1983 a. 293, 357, 538; 1985 a. 176; 1987 a. 366, 367, 403; 1989 a. 31; 1993 a. 184, 445, 479; 1995 a. 27 s. 9126 (19); 1995 a. 92, 268, 292, 1997 a. 292.

3 **SECTION 49.** 51.75 (9) (a) of the statutes is amended to read:

4 51.75 (9) (a) No provision of this compact except sub. (5) applies to any person  
5 institutionalized while under sentence in a ~~penal or~~ <sup>✓</sup> correctional institution or while  
6 subject to trial on a criminal charge, or whose institutionalization is due to the  
7 commission of an offense for which, in the absence of mental illness or mental  
8 deficiency, said person would be subject to incarceration in a ~~penal or~~ correctional  
9 institution.

History: 1981 c. 390; 1983 a. 189; 1991 a. 316.

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

11 **59.24 Clerks of counties containing state institutions to make claims**  
12 **in certain cases.** The clerk of any county which is entitled to reimbursement under  
13 s. 16.51 (7) shall make a certified claim against the state, without direction from the  
14 board, in all cases where the reimbursement is directed in s. 16.51 (7), upon forms  
15 prescribed by the department of administration. The forms shall contain  
16 information required by the clerk and shall be filed annually with the department  
17 of corrections on or before June 1. If the claims are approved by the department of  
18 corrections, they shall be certified to the department of administration and paid from  
19 the appropriation made by s. 20.410 (1) (c), if the claim is for reimbursement of  
20 expenses involving a prisoner in a ~~state~~ <sup>✓</sup> ~~prison named in s. 302.01~~, or from the  
21 appropriation under s. 20.410 (3) (c), if the claim is for reimbursement of expenses  
22 involving a juvenile in a secured correctional facility, as defined in s. 938.02 (15m).

History: 1989 a. 31, 359; 1995 a. 27, 77, 1995 a. 201 s. 265; Stats. 1995 s. 59.24, 1997 a. 35

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

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.

History: 1995 a. 201 ss. 104, 111 to 115, 117 to 122, 124, 127, 134, 139, 140, 157, 174, 181, 185, 186, 190, 238, 242, 252 to 256, 354, 356 to 360, 414 to 419, 432; 1995  
a. 225 s. 135; 1997 a. 35, 237.

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

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

History: 1995 a. 201 ss. 151, 153, 169, 413, 188, 192, 198, 201 to 206, 208, 217, 229, 234, 237, 241, 334, 362, 364, 436, 453, 1995 a. 225 ss. 164, 170; 1995 a. 279 s. 7; 1995 a. 289 s. 217; 1995 a. 404 ss. 184, 186; 1997 a. 3, 27, 35, 41, 191, 252.

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.

History: 1971 c. 41 s. 12; 1971 c. 154, 211, 1975 c. 164, 180, 422; 1977 c. 29, 182; 1977 c. 187 s. 135; 1977 c. 245, 272, 367, 447; 1979 c. 221, 293, 355; 1981 c. 187; 1983 a. 189 s. 329 (21); 1983 a. 192 s. 304; 1983 a. 368; 1987 a. 27, 399; 1989 a. 307; 1991 a. 39; 1993 a. 203, 263, 399, 1995 a. 27, 56, 336; 1997 a. 27, 318.

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.

History: 1987 a. 312, 1989 a. 31, 198, 336; 1995 a. 27, 201, 289; 1997 a. 35. History: 1987 a. 312; 1989 a. 31, 198, 336; 1995 a. 27, 201, 289; 1997 a. 35.

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.

History: 1987 a. 312; 1989 a. 31; 1997 a. 27, 41. History: 1987 a. 312; 1989 a. 31; 1997 a. 27, 41.

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

1           77.996 (2) (f) Facilities that are located at a ~~prison or other penal~~ correctional  
2           institution.

3           History: 1997 a. 27.

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

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

17          History: 1971 c. 100 s. 23, 1973 c. 243 s. 82; 1977 c. 29 ss. 1654 (8) (b), 1656 (43), 1979 c. 34 s. 2102 (52) (a), 1981 c. 20

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

18          101.12 (5) (a) 2. b. As a jail, correctional ~~facility~~ institution or other secure  
19          facility for persons in detention;

20          History: 1971 c. 185; 1971 c. 228 s. 42; Stats. 1971 s. 101.12; 1973 c. 326; 1979 c. 64, 243; 1983 a. 27; 1989 a. 31, 347; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3660, 3660m,  
9126 (19).

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

21          101.123 (1) (dm) “Prison” ~~means a prison described in s. 302.01,~~ except it does  
22          not include the correctional institution under s. 301.046 (1), if the institution is the

1 prisoner's place of residence ~~and does not include~~<sup>✓</sup> or a Type 2 prison, as defined in  
2 s. 301.01 (6).

**History:** 1983 a. 211; 1985 a. 332 s. 253; 1987 a. 161 s. 13m; 1987 a. 403 s. 256; 1989 a. 97, 107, 251, 336, 1991 a. 28, 39, 130; 1993 a. 27, 313; 1995 a. 27 ss. 3661, 9126 (19); 1995 a. 77, 201, 404.

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

4 102.475 (8) (a) "Correctional officer" means any person employed by the state  
5 or any political subdivision as a guard or officer whose principal duties are  
6 supervision and discipline of inmates at a ~~penal~~ correctional<sup>✓</sup> institution, ~~prison, jail,~~  
7 ~~house of correction or other place of penal detention.~~

**History:** 1975 c. 274, 421; 1977 c. 29 ss. 1029m to 1029s, 1650; 1977 c. 48, 203, 418; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 325; 1983 a. 98, 189; 1985 a. 29; 1987 a. 63; 1991 a. 85; 1993 a. 81; 1995 a. 247

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

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

**History:** 1983 a. 27, 181; 1985 a. 29 ss. 103m, 104m, 619 to 623x, 3202 (39), Stats. 1985 s. 16 20, 1987 a. 27, 255; 1989 a. 28, 31, 329, 359, 1991 a. 32, 39, 269, 309, 1993 a. 16, 202, 399; 1995 a. 27 ss. 239d to 278; Stats. 1995 s. 106.215; 1995 a. 201, 289; 1995 a. 448 ss. 1, 69; 1997 a. 27, 35, 39, 283.

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

16 108.02 (15) (g) 3. By an inmate of a custodial or ~~penal~~ correctional<sup>✓</sup> institution.

**History:** 1971 c. 53; 1971 c. 213 s. 5; 1973 c. 247; 1975 c. 223, 343; 1975 c. 373 s. 40, 1977 c. 29, 133; 1979 c. 52, 221; 1981 c. 36, 353; 1983 a. 8 ss. 4 to 12, 54; 1983 a. 168; 1983 a. 189 ss. 158 to 161, 329 (25), (28); 1983 a. 384, 477, 538; 1985 a. 17, 29, 332; 1987 a. 38 ss. 6 to 22, 134; 1987 a. 255; 1989 a. 31; 1989 a. 56 ss. 151, 259, 1989 a. 77, 303; 1991 a. 89; 1993 a. 112, 213, 373, 492; 1995 a. 27 ss. 3777, 9130 (4); 1995 a. 118, 225; 1997 a. 3, 27, 39.

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

18 108.07 (8) (b) If a claimant is a prisoner of a state prison,<sup>✓</sup> ~~as defined in s. 302.01,~~  
19 and has employment with an employer other than the department of corrections or  
20 a private business leasing space within a state prison under s. 303.01 (2) (em), and  
21 the claimant's employment terminates because conditions of incarceration or  
22 supervision make it impossible to continue the employment, the department shall

1 charge to the fund's balancing account any benefits based on the terminated  
2 employment that are otherwise chargeable to the account of an employer that is  
3 subject to the contribution requirements under ss. 108.17 and 108.18.

4 **History:** 1971 c. 53; 1975 c. 343, 1979 c. 110 s. 60 (11), 1983 a. 17; 1987 a. 38, 255; 1989 a. 77, 1991 a. 89; 1993 a. 373; 1995 a. 118; 1997 a. 39

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

5 115.31 (1) (b) "Educational agency" means a school district, cooperative  
6 educational service agency, ~~state correctional institution under s. 302.01~~ prison,  
7 secured correctional facility, as defined in s. 938.02 (15m), secured child caring  
8 institution, as defined in s. 938.02 (15g), the Wisconsin school for the visually  
9 handicapped, the Wisconsin school for the deaf, the Mendota mental health institute,  
10 the Winnebago mental health institute, a state center for the developmentally  
11 disabled, a private school or a private, nonprofit, nonsectarian agency under contract  
12 with a school board under s. 118.153 (3) (c).

13 **History:** 1991 a. 42 ss. 1 to 3, 4r; 1993 a. 16, 98; 1995 a. 27 s. 9145 (1); 1995 a. 77; 1997 a. 27, 237.

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

14 115.76 (10) "Local educational agency", except as otherwise provided, means  
15 the school district in which the child with a disability resides, the department of  
16 health and family services if the child with a disability resides in an institution or  
17 facility operated by the department of health and family services, or the department  
18 of corrections if the child with a disability resides in a Type 1 secured correctional  
19 facility, as defined in s. 938.02 (19), ~~or~~ a Type 1 prison, as defined in s. 301.01 (5), or  
20 a private prison operating under a contract under s. 301.21 (3).

21 **History:** 1997 a. 164, 237.

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

22 115.762 (4) LIMITATION. Nothing in this subchapter requires that special  
23 education and related services be provided to a child with a disability who is at least  
24 18 years old but not yet 22 years old and who, in the child's educational placement

1 before his or her incarceration in a state<sup>✓</sup> prison, was not identified as a child with a  
2 disability or for whom an individualized education program was not developed.

3 History: 1997 a. 164.

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

4 115.787 (6) CHILDREN WITH DISABILITIES IN STATE<sup>✓</sup> PRISONS. (a) 1. The  
5 requirements relating to participation of children with disabilities in general  
6 assessments under sub. (2) (e) do not apply to a child with a disability who is  
7 convicted of a crime under state law and incarcerated in a state<sup>✓</sup> prison.

8 2. The requirements relating to transition planning and transition services  
9 under sub. (2) (g) 1. and 2. do not apply with respect to a child with a disability who  
10 is convicted of a crime under state law and incarcerated in a state<sup>✓</sup> prison and whose  
11 eligibility under this subchapter will end, because of his or her age, before he or she  
12 will be released from prison.

13 (b) If a child with a disability is convicted of a crime<sup>✓</sup> under state law and  
14 incarcerated in a state<sup>✓</sup> prison, the child's individualized education program team  
15 may modify the child's individualized education program or placement  
16 notwithstanding the requirements of sub. (1) and s. 115.79 (1) if the department of  
17 corrections has demonstrated a bona fide security or compelling penological interest  
18 that cannot otherwise be accommodated.

19 History: 1997 a. 164.

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

20 115.81 (1) (b) "Responsible local educational agency" means the local  
21 educational agency that was responsible for providing a free, appropriate public  
22 education to the child before the placement of the child in a child caring institution,<sup>✓</sup>  
23 except that if the child resided in an institution or facility operated by the  
24 department of health and family services, a Type 1 secured correctional facility, as



1 defined in s. 938.02 (19), ~~or~~ a Type 1 prison, as defined in s. 301.01 (5), <sup>✓</sup> or a private  
2 prison operating under a contract under s. 301.21 (3) <sup>✓</sup> before the placement of the  
3 child in a child caring institution, “responsible local educational agency” means the  
4 school district in which the child caring institution is located.

5 **History:** 1997 a. 164, 237, 252.

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

6 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall  
7 transfer to another school or school district all pupil records relating to a specific  
8 pupil if the transferring school district has received written notice from the pupil if  
9 he or she is an adult or his or her parent or guardian if the pupil is a minor that the  
10 pupil intends to enroll in the other school or school district or written notice from the  
11 other school or school district that the pupil has enrolled or from a court that the pupil  
12 has been placed in a juvenile correctional ~~facility~~ institution <sup>✓</sup> or a secured child caring  
13 institution, as defined in s. 938.02 (15g). In this subsection, “school” and “school  
14 district” include any juvenile correctional ~~facility~~ institution <sup>✓</sup>, secured child caring  
15 institution as defined in s. 938.02 (15g), adult correctional institution, mental health  
16 institute or center for the developmentally disabled, that provides an educational  
17 program for its residents instead of or in addition to that which is provided by public  
18 and private schools.

**History:** 1973 c. 254; 1977 c. 418; 1979 c. 205; 1981 c. 20, 273; 1983 a. 189; 1985 a. 218; 1987 a. 27, 70, 206, 285, 337, 355, 1987 a. 399 s. 491r; 1987 a. 403 ss 123, 124, 256; 1989 a. 31, 168; 1989 a. 201 s. 36; 1989 a. 336; 1991 a. 39, 189; 1993 a. 27, 172, 334, 377, 385, 399, 450, 491, 1995 a. 27 ss. 3939, 3940, 9126 (19), 9130 (4), 9145 (1), 1995 a. 77, 173, 225, 352; 1997 a. 3, 27, 205, 237, 239

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

20 118.16 (4) (cm) 1. The school board may establish policies which provide that  
21 a pupil of an age eligible for high school enrollment in the school district, as  
22 determined by the school board, may be assigned to a period of assessment as a  
23 consequence of the pupil’s truancy or upon the pupil’s return to school from

1 placement in a correctional ~~facility~~ institution,<sup>✓</sup> mental health treatment facility,  
 2 alcohol and other drug abuse treatment facility or other out-of-school placement.  
 3 The policies shall specify the conditions under which a pupil may participate in the  
 4 assessment without being in violation of s. 118.15 and the maximum length of time  
 5 that a pupil may be assigned to an assessment period.

History: 1971 c. 164 s. 85; 1975 c. 39; 1979 c. 221, 298; 1985 a. 211; 1987 a. 285, 1993 a. 16, 56, 334, 339, 491; 1995 a. 27 ss. 3947, 9130 (4), 9145 (1); 1995 a. 77; 1997 a. 3, 27, 205, 239.

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

7 120.18 (1) (a) (intro.) The school count, showing the numbers and ages of  
 8 persons who are at least 4 years old but not yet 14 years old and who reside in a school  
 9 district operating only elementary grades, showing the number and ages of persons  
 10 between the ages of 14 and 20 residing in a union high school district and showing  
 11 the number and ages of persons between the ages of 4 and 20 residing in any other  
 12 school district. Children cared for at a charitable or ~~penal~~ correctional<sup>✓</sup> institution of  
 13 this state may not be included in the report. The school district clerk may employ  
 14 a competent person to take the schoolcount. The count may be determined by using  
 15 any of the following methods:

History: 1975 c. 189, 224; 1989 a. 31; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27, 87.

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

17 121.79 (1) (b) For pupils whose parents or guardians are employed at and  
 18 reside on the grounds of a state or federal military camp, federal veteran hospital or  
 19 state charitable or ~~penal~~ correctional<sup>✓</sup> institution.

History: 1971 c. 125 ss. 459, 460, 522 (1), 1973 c. 89, 90, 336; 1975 c. 39, 199; 1977 c. 29; 1979 c. 34 s. 2102 (43) (a); 1979 c. 60, 221; 1983 a. 27 ss. 1486m, 2202 (42), 1985 a. 29; 1993 a. 446.

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

21 132.13 (1) (a) All goods, wares, and merchandise made wholly or in part by  
 22 convict labor in any ~~penitentiary~~ prison,<sup>✓</sup> reformatory or other establishment in  
 23 which convict labor is employed, except convicts or prisoners on parole, extended

1 supervision or probation, shall before being exposed for sale be branded, labeled,  
2 marked or tagged as herein provided and shall not be exposed for sale or sold in this  
3 state without such brand, label, mark or tag. Such brand, label, mark or tag shall  
4 contain at the head or top thereof the words “convict-made” followed by the name of  
5 the ~~penitentiary~~,<sup>✓</sup>prison, reformatory or other establishment in which it was made  
6 in plain English lettering of the style and size known as eighteen point Cheltenham  
7 bold type capitals. The brand or mark shall in all cases where the nature of the  
8 articles will permit be placed on each individual article or part of such article that  
9 is sold, and only where such branding or marking is impossible shall a label or tag  
10 be used and where a label is used it shall be securely pasted onto each such article  
11 and when a tag is used it shall be a paper tag securely fastened to such article or part  
12 of article sold. In addition to the marking of each article or part of article sold a  
13 similar brand, mark, label or tag shall be placed upon the outside or upon its box,  
14 crate, or other covering. All brands, labels, marks, and tags shall be placed on a  
15 conspicuous part of such article or part of article and its container.

16 History: 1991 a. 189, 269; 1995 a. 27, 1997 a. 283.

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

17 139.40 (2) If cigarettes which do not bear the proper tax stamps or on which  
18 the tax has not been paid are so seized they may be given to law enforcement officers  
19 to use in criminal investigations or sold to qualified buyers by the secretary, without  
20 notice. If the cigarettes are sold, after deducting the costs of the sale and the keeping  
21 of the property, the proceeds of the sale shall be paid into the state treasury. If the  
22 secretary finds that such cigarettes may deteriorate or become unfit for use in  
23 criminal investigations or for sale or that those uses would otherwise be impractical,

1 the secretary may order them destroyed or give them to a charitable or penal  
2 correctional institution for free distribution to patients or inmates.

History: 1993 a. 482; 1997 a. 291.

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

4 157.02 (1) NOTICE TO RELATIVES. When an inmate of any state, county or  
5 municipal institution or any private prison operating under a contract under s.  
6 302.21 (3) dies, the superintendent or other person in charge of the institution or  
7 private prison shall immediately notify a relative of the decedent. A public officer  
8 having the possession or the disposition of a corpse shall immediately notify a  
9 relative of the decedent. If no relative is known, or discoverable by use of ordinary  
10 diligence, notice may be dispensed with. In addition, if the deceased had been an  
11 inmate of a state correctional institution, including a private prison, the department  
12 of corrections shall provide written notification to the relative informing him or her  
13 that the department of corrections, upon request, will provide a copy of any autopsy  
14 report or other report or information pertaining to the death. The department of  
15 corrections shall describe how the request may be made and shall promptly comply  
16 with any such request.

History: 1971 c. 211; 1973 c. 90 s. 560 (3); 1985 a. 316 s. 14; Stats. 1985 s. 157.02; 1987 a. 27; 1989 a. 31.

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

18 165.755 (6) If an inmate in a state prison or a person sentenced to a the  
19 Wisconsin state prison has not paid the crime laboratories and drug law  
20 enforcement assessment under sub. (1) (a), the department shall assess and collect  
21 the amount owed from the inmate's wages or other moneys. Any amount collected  
22 shall be transmitted to the state treasurer.

History: 1997 a. 27.

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

1           165.84 (4) All persons in charge of state ~~penal and~~<sup>✓</sup> correctional institutions  
2 shall obtain fingerprints, according to the fingerprint system of identification  
3 established by the director of the F.B.I., and full face and profile photographs of all  
4 persons received on commitment to these institutions. The prints and photographs  
5 so taken shall be forwarded to the department, together with any other identifying  
6 data requested, within 10 days after the arrival at the institution of the person  
7 committed. Full length photographs in release dress shall be taken immediately  
8 prior to the release of these persons from these institutions or from a private prison  
9 operating under a contract under s. 301.21 (3).<sup>✓</sup> Immediately after release, these  
10 photographs shall be forwarded to the department.

History: 1977 c. 305 s. 64; 1985 a. 29; 1993 a. 407; 1997 a. 283.

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

12           165.84 (5) All persons in charge of law enforcement and tribal law enforcement  
13 agencies, all clerks of court, all municipal judges where they have no clerks, all  
14 persons in charge of state and county ~~penal and~~<sup>✓</sup> correctional institutions, and all  
15 persons in charge of state and county probation, extended supervision and parole  
16 offices, shall supply the department with the information described in s. 165.83 (2)  
17 (f) on the basis of the forms and instructions to be supplied by the department under  
18 s. 165.83 (2) (g).

History: 1977 c. 305 s. 64; 1985 a. 29; 1993 a. 407; 1997 a. 283.

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

20           165.84 (6) All persons in charge of law enforcement and tribal law enforcement  
21 agencies in this state shall furnish the department with any other identifying data  
22 required in accordance with guidelines established by the department. All law  
23 enforcement and tribal law enforcement agencies and ~~penal and~~<sup>✓</sup> correctional  
24 institutions in this state having criminal identification files shall cooperate in

1 providing to the department copies of such items in these files as will aid in  
2 establishing the nucleus of the state criminal identification file.

History: 1977 c. 305 s. 64; 1985 a. 29; 1993 a. 407; 1997 a. 283.

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

4 230.36 (1) If a conservation warden, conservation patrol boat captain,  
5 conservation patrol boat engineer, state forest ranger, conservation field employe of  
6 the department of natural resources who is subject to call for fire control duty,  
7 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax  
8 investigator employed by the department of revenue, special criminal investigation  
9 agent employed by the department of justice, special tax agent, state drivers' license  
10 examiner, state fair park police officer, University of Wisconsin System police officer  
11 and other state facilities police officer and patrol officer, security officer, watcher,  
12 engineer, engineering aide, building construction superintendent, fire fighter  
13 employed at the Wisconsin Veterans Home, or guard or institutional aide or a state  
14 probation, extended supervision and parole officer or any other employe whose  
15 duties include supervision and discipline of inmates or wards of the state at a state  
16 ~~penal~~ correctional institution, including a secured correctional facility, as defined in  
17 s. 938.02 (15m), or while on parole supervision or extended supervision outside of the  
18 confines of the institutions, or supervision of persons placed on probation by a court  
19 of record, or supervision and care of patients at a state mental institution, and the  
20 University of Wisconsin Hospitals and Clinics suffers injury while in the  
21 performance of his or her duties, as defined in subs. (2) and (3); or any other state  
22 employe who is not listed in this subsection and who is ordered by his or her  
23 appointing authority to accompany any employe listed in this subsection while the  
24 listed employe is engaged in the duties defined in sub. (3), or any other state employe

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

**History:** 1971 c. 164, 270; 1973 c. 333 s. 201m; 1975 c. 39, 189, 199, 224, 422; 1977 c. 26; 1977 c. 196 ss. 57, 119, 130 (4); 1977 c. 418 ss. 728, 729, 924 (50); 1977 c. 447 ss. 146, 206, Stats. 1977 s. 230.36; 1979 c. 32; 1979 c. 221 ss. 745, 746, 2202 (15); 1985 a. 29, 135; 1987 a. 27, 83; 1989 a. 31; 1993 a. 98, 215, 491; 1995 a. 27, 77; 1997 a. 283.

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

14 **230.36 (3) (c) (intro.)** A guard, institution aide, or other employe at the  
 15 University of Wisconsin Hospitals and Clinics or at a state ~~penal~~ <sup>✓</sup> correctional or  
 16 mental institution, including a secured correctional facility, as defined in s. 938.02  
 17 (15m), and a state probation, extended supervision and parole officer, at all times  
 18 while:

**History:** 1971 c. 164, 270; 1973 c. 333 s. 201m; 1975 c. 39, 189, 199, 224, 422; 1977 c. 26; 1977 c. 196 ss. 57, 119, 130 (4); 1977 c. 418 ss. 728, 729, 924 (50); 1977 c. 447 ss. 146, 206, Stats. 1977 s. 230.36; 1979 c. 32; 1979 c. 221 ss. 745, 746, 2202 (15); 1985 a. 29, 135; 1987 a. 27, 83; 1989 a. 31; 1993 a. 98, 215, 491; 1995 a. 27, 77; 1997 a. 283.

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

20 **250.04 (10)** The department may investigate and supervise the sanitary  
 21 conditions of all charitable, curative, reformatory and ~~penal~~ <sup>✓</sup> correctional  
 22 institutions, all detention homes for children and the hospitals and institutions that  
 23 are organized for the purposes set forth in s. 58.01. The department may visit the

1 jails, municipal prisons, houses of correction and all other places in which persons  
2 convicted or suspected of crime or mentally ill persons are confined and ascertain the  
3 sanitary conditions of those places.

History: 1971 c. 100 s. 23; 1973 c. 90; 1975 c. 37, 39; 1975 c. 94 s. 91 (9); 1975 c. 292, 422; 1977 c. 29, 418; 1979 c. 221, 229, 334, 355; 1981 c. 20, 214, 257; 1983 a. 203; 1985 a. 340; 1987 a. 27 ss. 1786, 1787, 3200 (24); 1987 a. 399; 1989 a. 173, 264; 1991 a. 39, 178, 269; 1993 a. 16; 1993 a. 27 s. 170, 171, 173, 174, 176, 178, 179, 180, 183, 187, 250, 452 to 456; 1993 a. 209, 491; 1997 a. 27.

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

5 252.02 (4) The department may promulgate and enforce rules or issue orders  
6 for guarding against the introduction of any communicable disease into the state, for  
7 the control and suppression of communicable diseases, for the quarantine and  
8 disinfection of persons, localities and things infected or suspected of being infected  
9 by a communicable disease and for the sanitary care of jails, <sup>✓</sup>state prisons, mental  
10 health institutions, schools, hotels and public buildings and connected premises.  
11 Any rule or order may be made applicable to the whole or any specified part of the  
12 state, or to any vessel or other conveyance. The department may issue orders for any  
13 city, village or county by service upon the local health officer. Rules that are  
14 promulgated and orders that are issued under this subsection supersede conflicting  
15 or less stringent local regulations, orders or ordinances.

History: 1981 c. 291; 1993 a. 27 s. 284; Stats. 1993 s. 252.02

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

17 252.02 (5) If any public officer or employe or any person in charge of any  
18 building, vessel, conveyance, jail, <sup>✓</sup>state prison, mental health institution or school  
19 fails to comply with a rule promulgated or order issued under sub. (4), the  
20 department may appoint an agent to execute its rules or orders. Expenses that an  
21 agent incurs shall be paid by the unit of government that employs the person or of  
22 which the public officer is a member. If the building, vessel, conveyance, <sup>✓</sup>prison,



1 mental health institution or school is privately owned the state shall pay the  
2 expenses that the agent incurs.

History: 1981 c. 291; 1993 a. 27 s. 284; Stats. 1993 s. 252.02.

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

4 252.06 (6) (b) When a person confined in a jail, ~~state~~<sup>✓</sup> prison, mental health  
5 institute or other public place of detention has a disease which the local health officer  
6 or the director of health at the institution deems dangerous to the health of other  
7 residents or the neighborhood, the local health officer or the director of health at the  
8 institution shall order in writing the removal of the person to a hospital or other place  
9 of safety, there to be provided for and securely kept. Upon recovery the person shall  
10 be returned; and if the person was committed by a court or under process the removal  
11 order or a copy shall be returned by the local health officer to the committing court  
12 officer.

History: 1981 c. 291; 1983 a. 189 s. 329 (19); 1993 a. 27 s. 295; Stats. 1993 s. 252.06.

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

14 252.08 (4) (a) Care of patients transferred to facilities approved under this  
15 section from state institutions or from state ~~penal~~<sup>✓</sup> correctional institutions under s.  
16 304.115.

History: 1993 a. 27 ss. 399, 401, 402, 404, 420; 1993 a. 213, 490; 1995 a. 27; 1997 a. 27.

17 **SECTION 86.** 252.14 (1) (ad) of the statutes is renumbered 252.14 (1) (ad) (intro.)<sup>✓</sup>  
18 and amended to read:

19 252.14 (1) (ad) (intro.)<sup>✓</sup> “Correctional officer” ~~has the meaning given~~ means any  
20 of the following:

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

History: 1989 a. 201; 1991 a. 32, 39, 160, 189, 269, 315; 1993 a. 27 ss. 326 to 331; Stats. 1993 s. 252.14; 1993 a. 105, 190, 252, 443; 1993 a. 490 s. 143; 1993 a. 491, 495;  
1995 a. 27 ss. 6322, 9145 (1); 1997 a. 27, 35, 67, 75, 175; s. 13.93 (2) (c).

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

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).

History: 1985 a. 29, 73, 120; 1987 a. 70 ss. 13 to 27, 36; 1987 a. 403 ss. 136, 256, 1989 a. 200; 1989 a. 201 ss. 11 to 25, 36; 1989 a. 298, 359, 1991 a. 269; 1993 a. 16 s. 2567; 1993 a. 27 ss. 332, 334, 337, 340, 342; Stats. 1993 s. 252.15; 1993 a. 32, 183, 190, 252, 395, 491; 1995 a. 27 ss. 6323, 9116 (5), 9126 (19); 1995 a. 77, 275; 1997 a. 54, 80, 156, 188.

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.

History: 1997 a. 27.

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.

History: 1989 a. 31, 107, 121, 188, 336; 1991 a. 39; 1993 a. 16, 377, 479; 1995 a. 27 ss. 6355, 6356m, 6356p, 9126 (19); 1995 a. 77, 141; 1997 a. 27, 35, 237, 275, 283, 284; s. 13.93 (1) (b).

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

1           301.03 (9) Supervise all persons placed under s. 48.366 (8) or 938.183 in a state  
2           prison.

History: 1989 a. 31, 107, 121, 188, 336; 1991 a. 39; 1993 a. 16, 377, 479; 1995 a. 27 ss. 6355, 6356m, 6356p, 9126 (19); 1995 a. 77, 141; 1997 a. 27, 35, 237, 275, 283, 284, s. 13.93 (1) (b).

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

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

History: 1989 a. 31 ss. 961m, 961mb; Stats. 1989 s. 301.046; 1989 a. 251; 1991 a. 39; 1993 a. 97, 227, 479; 1997 a. 181, 283

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

18          301.048 (4) (b) The department shall operate the program as a correctional  
19          institution. The secretary may allocate and reallocate existing and future facilities  
20          as part of the institution. The institution is subject to s. 301.02 and is a state prison  
21          ~~as defined in~~ under<sup>✓</sup>s. 302.01. Construction or establishment of the institution shall  
22          be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the  
23          exemptions under s. 13.48 (13), construction or establishment of facilities for the  
24          institution are not subject to the ordinances or regulations relating to zoning,

1 including zoning under ch. 91, of the county and municipality in which the  
2 construction or establishment takes place and are exempt from inspections required  
3 under s. 301.36.

History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283.

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

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

History: 1989 a. 31, 107; 1995 a. 27, 352; 1997 a. 27, 205, 237, 275, 283.

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

16 301.12 (2m) The liability specified in sub. (2) shall not apply to persons 17 and  
17 older receiving care, maintenance, services and supplies provided by ~~prisons named~~  
18 ~~in s. 302.01~~ a prison.

History: 1995 a. 27 ss. 6361, 9126 (19); 1995 a. 77; 1997 a. 237.

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

20 **301.13 Minimum security correctional institutions.** The department  
21 may establish and operate minimum security correctional institutions. The  
22 secretary may allocate and reallocate existing and future facilities as part of these  
23 institutions. The institutions are subject to s. 301.02 and are state prisons as defined  
24 in s. 302.01. Inmates ~~from Wisconsin state~~ sentenced to the Wisconsin state prisons

1 may be transferred to these institutions and they shall be as provided under s.  
 2 302.18. Inmates transferred to the institutions under this section are subject to all  
 3 laws pertaining to inmates of other ~~penal institutions of the state~~ prisons under s.  
 4 302.01. Officers and employes of the institutions shall be subject to the same laws  
 5 as pertain to other ~~penal institutions~~ state prisons under s. 302.01. Inmates shall  
 6 not be received on direct commitment from the courts. In addition to the exemptions  
 7 under s. 13.48 (13), construction or establishment of facilities at institutions which  
 8 are community correctional residential centers initially established prior to July 2,  
 9 1983, shall not be subject to the ordinances or regulations relating to zoning,  
 10 including zoning under ch. 91, of the county and municipality in which the  
 11 construction or establishment takes place. The department shall establish a  
 12 procedure for soliciting responses from interested communities and persons  
 13 regarding potential sites for the institutions under this section, except the procedure  
 14 does not apply to the 125-bed community correctional center in the city of Waupun.  
 15 The department shall consider locations proposed under this procedure and may  
 16 consider any other locations on its own initiative. The department need not  
 17 promulgate rules regarding the site consideration procedures under this section.

18 History: 1977 c. 418, 1983 a. 27; 1985 a. 29; 1987 a. 5; 1989 a. 31 s. 961; Stats. 1989 s. 301 13.

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

19 **301.14 State-local shared correctional facilities.** In cooperation with any  
 20 county or group of counties, the department may contract for the establishment and  
 21 operation of state-local shared correctional facilities under s. 302.45. Except as  
 22 provided in s. 302.45 (4), the secretary may allocate and reallocate existing and  
 23 future facilities as state-local shared correctional facilities. The shared facilities  
 24 shall be are institutions under s. 301.02 and shall be are state prisons under s.

1 302.01. Inmates ~~from~~ sentenced to the Wisconsin state prisons may be transferred  
2 to these facilities ~~and, except as provided under s. 302.18.~~ Except as to any separate  
3 rules established in the contract governing a shared facility, ~~shall be inmates~~  
4 transferred to shared facilities under this section are subject to all laws pertaining  
5 to inmates of other ~~penal institutions of this state~~ prisons under s. 302.01. Officers  
6 and employes of the facilities shall be subject to the same laws as pertain to other  
7 ~~penal institutions~~ state prisons under s. 302.01. Inmates may not be received on  
8 direct commitment from the courts.

History: 1983 a. 332; 1989 a. 31 s. 967, Stats. 1989 s. 301.14.

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

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

History: 1977 c. 418 s. 924 (18) (b); 1989 a. 31 s. 962, Stats. 1989 s. 301.15.

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

20 **301.16 (1r)** In addition to the institutions under sub. (1), the department shall  
21 establish a medium security correctional institution for persons 15 years of age or  
22 over, but not more than 21 years of age, who have been placed in a ~~state~~ state prison under  
23 ~~s. 302.01~~. The medium security correctional institution under this subsection shall  
24 be known as the Racine Youthful Offender Correctional Facility and shall be located

1 at the intersection of Albert Street and North Memorial Drive in the city of Racine.  
2 The department shall limit the number of prisoners who may be placed at the Racine  
3 Youthful Offender Correctional Facility to no more than 400 at any one time.

**History:** 1979 c. 221; 1981 c. 20, 317, 387; 1983 a. 16; 1983 a. 27 ss. 953p, 953r, 2200 (15); 1985 a. 29; 1987 a. 5; 1989 a. 31 ss. 964, 964m; Stats. 1989 s. 301.16; 1991 a. 39; 1995 a. 27; 1997 a. 27.

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

5 301.16 (1x) Inmates ~~from~~ sentenced to the Wisconsin state prisons may be  
6 transferred to the institutions under this section ~~and they shall be.~~ Inmates  
7 transferred to institutions under this section are subject to all laws pertaining to  
8 inmates of other penal institutions of prisons in this state. Officers and employes of  
9 the institutions shall be subject to the same laws as pertain to other ~~penal~~  
10 correctional institutions. Inmates shall not be received on direct commitment from  
11 the courts.

**History:** 1979 c. 221; 1981 c. 20, 317, 387; 1983 a. 16; 1983 a. 27 ss. 953p, 953r, 2200 (15); 1985 a. 29; 1987 a. 5; 1989 a. 31 ss. 964, 964m; Stats. 1989 s. 301.16, 1991 a. 39; 1995 a. 27; 1997 a. 27.

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

13 **301.21 (title) Contracts for the transfer and confinement of Wisconsin**  
14 **prisoners** ~~in other states.~~

**History:** 1981 c. 20; 1983 a. 27; 1989 a. 31 s. 965; Stats. 1989 s. 301.21; 1995 a. 344; 1997 a. 27, 283.

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

16 301.21 (1m) (title) CONTRACTS WITH OTHER STATES OR POLITICAL SUBDIVISIONS OF  
17 OTHER STATES.

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

19 301.21 (1m) (b) ~~Inmates from~~ While in an institution in another state pursuant  
20 to a contract under this subsection, Wisconsin state prisons ~~while in an institution~~  
21 ~~in another state~~ prisoners are subject to all provisions of law and regulation  
22 concerning the confinement of persons committed for violations of the laws of that

1 state, except as otherwise provided for by any contract entered into under this  
2 subsection.

3 History: 1981 c. 20; 1983 a. 27; 1989 a. 31 s. 965; Stats. 1989 s. 301.21; 1995 a. 344; 1997 a. 27, 283.

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

4 301.21 (2m) (title) ✓ CONTRACTS WITH PRIVATE PERSONS FOR CONFINEMENT IN  
5 ANOTHER STATE.

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

7 301.21 (3) CONTRACTS WITH PRIVATE PERSONS FOR CONFINEMENT IN THIS STATE. ✓ (a)

8 The department ✓ may enter into one or more contracts with a private person for the  
9 transfer and confinement in this state of prisoners who have been committed to the  
10 custody of the department.

11 (b) Prisoners who are confined in a private prison under a contract under this  
12 subsection ✓ are subject to all laws pertaining to inmates of state prisons under s.  
13 302.01. ✓

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

16 1. A termination date. ✓

17 2. Provisions concerning the costs of ✓ prisoner maintenance, medical and dental  
18 expenses and any participation in or receipt by prisoners of rehabilitative or  
19 correctional services, facilities, programs or treatment, including those costs not  
20 reasonably included as part of normal maintenance.

21 3. Provisions concerning any participation in programs of ✓ prisoner  
22 employment, if any, the disposition or crediting of any payments received by  
23 prisoners on account of employment, and the crediting of proceeds from or disposal  
24 of any products resulting from employment.



1           4. Delivery and retaking of<sup>✓</sup> prisoners.

2           5. Procedures requiring the private person with which the department is  
3 contracting to make regular reports concerning prisoners confined under the  
4 contract.

5           6. <sup>✓</sup>Provisions concerning procedures for probation, parole, extended  
6 supervision and discharge of prisoners confined under the contract.

7           7. The same standards of reasonable and humane care as the prisoners would  
8 receive in a comparable state prison under s. 302.01.<sup>✓</sup>

9           8. The investigation and inspection of the private prison by the department  
10 under s. 301.36.<sup>✓</sup>

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

14           (d) Prisoners may not be received at a private prison covered by a contract  
15 under this subsection<sup>✓</sup> on direct commitment from the courts.

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

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

22           301.21 (6) (title) APPROVAL REQUIRED.<sup>✓</sup>

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

24           301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall  
25 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations

1 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile  
2 correctional institutions, secured child caring institutions, as defined in s. 938.02  
3 (15g), alternate care providers, aftercare supervision providers and corrective  
4 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the  
5 care of any juvenile 14 years of age or over who has been placed in a juvenile  
6 correctional ~~facility~~ institution based on a delinquent act that is a violation of s.  
7 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4.,  
8 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30 (2),  
9 948.35 (1) (b) or 948.36 and for the care of any juvenile 10 years of age or over who  
10 has been placed in a juvenile correctional institution or a secured child caring  
11 institution for attempting or committing a violation of s. 940.01 or for committing a  
12 violation of s. 940.02 or 940.05.

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252, s. 13.93 (2) (c).

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

14 301.26 (4) (cm) 2. 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 and under 18 years of age who has been  
21 placed in a juvenile correctional ~~facility~~ institution under s. 48.366 based on a  
22 delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252, s. 13.93 (2) (c)

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

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

4           History: 1981 c. 20; 1989 a. 31 s. 970; Stats. 1989 s. 301.28; 1993 a. 377; 1995 a. 27.

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

5           301.29 (2) The ~~superintendents of all the~~ superintendent of a state correctional  
6           institutions, institution or a private prison and ~~the employes under them~~ any  
7           employe of the institution or prison to whom ~~they delegate~~ the superintendent  
8           delegates police power, may arrest any person within or upon the grounds of the  
9           institutions whom ~~they have~~ the superintendent or employe has reason to believe is  
10          guilty of any offense against the laws or regulations governing the institutions; and  
11          for that purpose they shall possess the powers of constables.

12          History: 1989 a. 31; 1997 a. 289.

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

13          301.29 (3) The department shall investigate complaints against any  
14          institution under its jurisdiction, including a private prison, or against the officers  
15          or employes of the institutions. For that purpose, the secretary and such officers and  
16          employes as the secretary authorizes may summon and swear witnesses, take  
17          testimony and compel the production of books and papers. On its own initiative, the  
18          department may investigate the affairs of any institution. Any written  
19          communication or complaint addressed to the secretary by any inmate, employe or  
20          subordinate of an institution shall be immediately forwarded unopened to the  
21          addressee.

22          History: 1989 a. 31; 1997 a. 289.

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

23          301.32 (1) PROPERTY DELIVERED TO WARDEN OR SUPERINTENDENT; CREDIT AND DEBIT.  
24          All money and other property delivered to an employe of any state correctional

1 institution or private prison for the benefit of a prisoner or resident shall be delivered  
2 to the warden or superintendent, who shall enter the property upon his or her  
3 accounts to the credit of the prisoner or resident. The property may be used only  
4 under the direction and with the approval of the superintendent or warden and for  
5 the crime victim and witness assistance surcharge under s. 973.045 (4), the  
6 delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), the  
7 deoxyribonucleic acid analysis surcharge under s. 973.046 or the benefit of the  
8 prisoner or resident. If the money remains uncalled for for one year after the  
9 prisoner's or resident's death or departure from the state correctional institution or  
10 private prison, the superintendent shall deposit it in the general fund. If any  
11 prisoner or resident leaves property, other than money, uncalled for at a state  
12 correctional institution or private prison for one year, the superintendent shall sell  
13 the property and remit the proceeds to the department for deposit the proceeds in the  
14 general fund, donate the property to a public agency or private, nonprofit  
15 organization or destroy the property. If any person satisfies the department, within  
16 5 years after the deposit, of his or her right to the deposit, the department shall direct  
17 the department of administration to draw its warrant in favor of the claimant and  
18 it shall charge the same to the appropriation made by s. 20.913 (3) (bm).

History: 1989 a. 31 ss. 980, 981, 2569; 1991 a. 189, 315; 1993 a. 16; 1995 a. 27, 417; 1997 a. 27, 283, 289.

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

20 301.33 (1) Subject to reasonable exercise of the privilege, members of the clergy  
21 of all religious faiths shall have an opportunity, at least once each week, to conduct  
22 religious services within the state correctional institutions and within a private  
23 prison. Attendance at the services is voluntary.

History: 1989 a. 31.

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

1           301.36 (1) GENERAL AUTHORITY. The department shall investigate and  
2 supervise all of the state correctional institutions and all secure detention facilities  
3 and shall investigate all private prisons. ✓ The department shall familiarize itself  
4 with all of the circumstances affecting ~~their~~ the management and usefulness of the  
5 institutions, facilities and private prisons it investigates under this subsection. ✓

6 History: 1989 a. 31, 107; 1995 a. 27, 77.

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

7           301.36 (2) (title) PRISONS ✓ AND OTHER CORRECTIONAL INSTITUTIONS.

8 History: 1989 a. 31, 107; 1995 a. 27, 77.

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

9           301.38 (2) (intro.) If a prisoner escapes from a Type 1 prison or a private prison, ✓  
10 the department shall make a reasonable attempt to notify all of the following  
11 persons, if they can be found, in accordance with sub. (3) and after receiving a  
12 completed card under sub. (4):

13 History: 1995 a. 74, 1997 a. 181, 283.

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

14           **302.01 State prisons named and defined listed.** ✓ The penitentiary  
15 institution ✓ at Waupun is named “Waupun Correctional Institution”. The  
16 correctional treatment center at Waupun is named “Dodge Correctional Institution”.  
17 The penitentiary institution ✓ at Green Bay is named “Green Bay Correctional  
18 Institution”. The medium/maximum penitentiary institution ✓ at Portage is named  
19 “Columbia Correctional Institution”. The medium security institution at Oshkosh  
20 is named “Oshkosh Correctional Institution”. The medium security ✓ penitentiary  
21 institution near Fox Lake is named “Fox Lake Correctional Institution”. The  
22 penitentiary institution ✓ at Taycheedah is named “Taycheedah Correctional  
23 Institution”. The medium security penitentiary institution at Plymouth is named  
24 “Kettle Moraine Correctional Institution”. The penitentiary institution at the

1 village of Sturtevant in Racine county is named “Racine Correctional Institution”.  
 2 The medium security ~~penitentiary~~ institution at Racine is named “Racine Youthful  
 3 Offender Correctional Facility”. The resource facility at Oshkosh is named  
 4 “Wisconsin Resource Center”. The institutions named in this section, the  
 5 correctional institution authorized under s. 301.16 (1n), correctional institution  
 6 authorized under 1997 Wisconsin Act 4, section 4 (1) (a), correctional institution  
 7 authorized under s. 301.046 (1), correctional institution authorized under s. 301.048  
 8 (4) (b), minimum security correctional institutions authorized under s. 301.13, and  
 9 state–local shared correctional facilities when established under s. 301.14, are state  
 10 prisons.

History: 1973 c. 90; 1975 c. 39; 1975 c. 189 s. 99 (1), 1975 c. 224, 422; 1977 c. 29; 1977 c. 418 ss. 369, 924 (18) (d); 1979 c. 221; 1981 c. 20; 1983 a. 192, 332, 538; 1985 a. 29; 1987 a. 5; 1989 a. 31 ss. 1617m, 1617n; Stats. 1989 s. 302.01; 1989 a. 359; 1991 a. 39; 1995 a. 27, 1997 a. 4, 27

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

12 **302.02 (title) Jurisdiction and extent of state correctional institutions**  
 13 **and private prisons; service of process therein.**

History: 1973 c. 90; 1975 c. 39, 189, 224; 1977 c. 29; 1977 c. 418 ss. 370 to 372, 924 (18) (d), 1979 c. 221; 1981 c. 20, 1983 a. 27, 332; 1985 a. 29; 1989 a. 31 ss. 1618, 1618m; Stats. 1989 s. 302.02; 1991 a. 39, 316; 1995 a. 344; 1997 a. 27.

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

15 **302.02 (3t) INSTITUTIONS LOCATED IN OTHER STATES; PRIVATE PRISONS.** For all  
 16 purposes of discipline and for judicial proceedings, each institution that is ~~located in~~  
 17 ~~another state and~~ authorized for use under s. 301.21 and the precincts of the  
 18 institution shall be deemed to be in a county in which the institution is physically  
 19 located, and the courts of that county shall have jurisdiction of any activity, wherever  
 20 located, conducted by the institution.

History: 1973 c. 90; 1975 c. 39, 189, 224; 1977 c. 29; 1977 c. 418 ss. 370 to 372, 924 (18) (d), 1979 c. 221; 1981 c. 20, 1983 a. 27, 332; 1985 a. 29; 1989 a. 31 ss. 1618, 1618m; Stats. 1989 s. 302.02; 1991 a. 39, 316; 1995 a. 344; 1997 a. 27.

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

1           **302.02 (5)** (a) Service of process may be made on the warden or superintendent  
2           of any a prison named in s. 302.01 as upon any other resident of this state.

History: 1973 c. 90; 1975 c. 39, 189, 224; 1977 c. 29; 1977 c. 418 ss. 370 to 372, 924 (18) (d); 1979 c. 221; 1981 c. 20; 1983 a. 27, 332; 1985 a. 29; 1989 a. 31 ss. 1618, 1618m; Stats. 1989 s. 302.02; 1991 a. 39, 316; 1995 a. 344; 1997 a. 27.

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

4           **302.02 (5)** (b) Except as provided in par. (a), service of process within ~~any such~~  
5           a prison on any officer or employe or inmate thereof shall be made by the warden or  
6           superintendent or some person appointed by the warden or superintendent to serve  
7           process.

History: 1973 c. 90; 1975 c. 39, 189, 224; 1977 c. 29; 1977 c. 418 ss. 370 to 372, 924 (18) (d); 1979 c. 221; 1981 c. 20; 1983 a. 27, 332; 1985 a. 29; 1989 a. 31 ss. 1618, 1618m; Stats. 1989 s. 302.02; 1991 a. 39, 316; 1995 a. 344; 1997 a. 27.

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

9           **302.04 (title) Duties of warden and superintendents<sup>✓</sup> of state prisons.**

History: 1989 a. 31 s. 1620; Stats. 1989 s. 302.04; 1991 a. 316.

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

11          **302.05 (1)** (intro.) The department of corrections and the department of health  
12          and family services may designate a section of a mental health institute as a  
13          correctional treatment facility for the treatment of substance abuse of inmates  
14          transferred from ~~Wisconsin state prisons~~ a prison.<sup>✓</sup> This section shall be  
15          administered by the department of corrections and shall be known as the Wisconsin  
16          substance abuse program. The department of corrections and the department of  
17          health and family services shall ensure that the residents at the institution and the  
18          residents in the substance abuse program:

History: 1989 a. 31; 1995 a. 27 s. 9126 (19).

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

20          **302.06 Delivery of persons to prisons.** The sheriff shall deliver to the  
21          reception center designated by the department every person convicted in the county  
22          and sentenced to the Wisconsin state prisons or to the intensive sanctions program  
23          as soon as may be after sentence, together with a copy of the judgment of conviction.

1 The warden or superintendent shall deliver to the sheriff a receipt acknowledging  
 2 receipt of the person, naming the person, which receipt the sheriff shall file in the  
 3 office of the clerk who issued the copy of the judgment of conviction. When  
 4 transporting or delivering the person to any of the ~~Wisconsin state prisons~~ <sup>✓</sup> prison  
 5 located in this state, the sheriff shall be accompanied by an adult of the same sex as  
 6 the person. If the sheriff and the person are of the same sex, this requirement is  
 7 satisfied and a 3rd person is not required.

8 History: 1975 c. 94; 1975 c. 189 s. 99 (1); 1975 c. 224 s. 146m; 1989 a. 31 s. 1623; Stats. 1989 s. 302.06; 1991 a. 39.

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

9 **302.07 Maintenance of order.** The warden or superintendent <sup>✓</sup> of a prison  
 10 shall maintain order, enforce obedience, suppress riots and prevent escapes. For  
 11 such purposes the warden or superintendent may command the aid of the officers of  
 12 the institution and of persons outside of the prison; and any person who fails to obey  
 13 such command shall be punished by imprisonment in the county jail not more than  
 14 one year or by a fine not exceeding \$500. The warden or superintendent may adopt  
 15 proper means to capture escaped inmates.

16 History: 1989 a. 31 s. 1624; Stats. 1989 s. 302.07; 1991 a. 316.

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

17 **302.08 Humane treatment and punishment.** ~~The wardens and the~~  
 18 ~~superintendents~~ warden, superintendent and all ~~prison~~ officials and employes of a  
 19 prison <sup>✓</sup> shall uniformly treat the inmates with kindness. There shall be no corporal  
 20 or other painful and unusual punishment inflicted upon inmates.

21 History: 1989 a. 31 s. 1625; Stats. 1989 s. 302.08.

21 **SECTION 129.** 302.095 (2) <sup>✓</sup> of the statutes is amended to read:

22 **302.095 (2)** Any officer or other person who delivers or procures to be delivered  
 23 or has in his or her possession with intent to deliver to any inmate confined in a jail  
 24 or ~~state~~ <sup>✓</sup> prison, or who deposits or conceals in or about a jail or prison, or the precincts



1 of a jail or prison, or in any vehicle going into the premises belonging to a jail or  
 2 prison, any article or thing whatever, with intent that any inmate confined in the jail  
 3 or prison shall obtain or receive the same, or who receives from any inmate any  
 4 article or thing whatever with intent to convey the same out of a jail or prison,  
 5 contrary to the rules or regulations and without the knowledge or permission of the  
 6 sheriff or other keeper of the jail, in the case of a jail, or of the warden or  
 7 superintendent of the prison, in the case of a prison, shall be imprisoned for not more  
 8 than 2 years or fined not more than \$500.

~~NOTE: NOTE: Sub. (2) is amended eff. 12-31-99 by 1997 Wis. Act 283 to read: NOTE:~~

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

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

History: 1989 a. 31 s. 1627; Stats. 1989 s. 302.095; 1991 a. 316; 1993 a. 490; 1995 a. 437; 1997 a. 283.

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

23 **302.13 Preservation of property an inmate brings to prison.** The  
 24 department shall preserve money and effects, except clothes, in the possession of an

1 inmate when admitted to the ~~prison~~ Wisconsin state prisons and, subject to the crime  
2 victim and witness assistance surcharge under s. 973.045 (4) and the  
3 deoxyribonucleic acid analysis surcharge under s. 973.046, shall restore the money  
4 and effects to the inmate when discharged.

History: 1973 c. 90; 1983 a. 27; 1985 a. 120; 1989 a. 31 s. 1632; Stats. 1989 s. 302.13; 1993 a. 16.

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

6 **302.15 Activities off grounds.** The wardens and superintendents of the state  
7 prisons, ~~and~~ all wardens and superintendents of county prisons, jails, camps and  
8 houses of correction enumerated in ch. 303; and the warden or superintendent of a  
9 private prison may take inmates away from the institution grounds for rehabilitative  
10 and educational activities approved by the department and under such supervision  
11 as the superintendent or warden deems necessary. While away from the institution  
12 grounds an inmate is deemed to be under the care and control of the institution in  
13 which he or she is an inmate and subject to its rules and discipline.

History: 1971 c. 54; 1989 a. 31 s. 1634; Stats. 1989 s. 302.15.

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

15 302.17 (1) ~~When any inmate is received into any state penal institution the~~  
16 department receives a prisoner committed to its custody, the department shall  
17 register the date of admission, the name, age, nativity and nationality and such other  
18 facts as may be obtained as to parentage, education and previous history and  
19 environments of such inmate.

History: 1987 a. 27, 403, 1989 a. 31 s. 1635; Stats. 1989 s. 302.17; 1997 a. 283.

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

21 302.18 (2) Inmates of a county house of correction may be transferred to a state  
22 prison. If any county discontinues its house of correction, inmates at the time of the

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

3 **History:** 1981 c. 20; 1983 a. 332; 1987 a. 27; 1989 a. 31 s. 1636; Stats. 1989 s. 302.18; 1991 a. 39, 316; 1993 a. 89; 1995 a. 27, 77.

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

4 302.18 (4) With each person transferred to a state <sup>✓</sup>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 **History:** 1981 c. 20; 1983 a. 332; 1987 a. 27; 1989 a. 31 s. 1636; Stats. 1989 s. 302.18; 1991 a. 39, 316; 1993 a. 89; 1995 a. 27, 77.

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 <sup>✓</sup>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 **History:** 1981 c. 20; 1983 a. 332; 1987 a. 27; 1989 a. 31 s. 1636; Stats. 1989 s. 302.18; 1991 a. 39, 316; 1993 a. 89; 1995 a. 27, 77.

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 <sup>✓</sup>prison under s. 302.01 <sup>✓</sup> and persons subject  
16 to an order under s. 938.34 (4h) who are 17 years of age or older.

17 **History:** 1987 a. 27; 1989 a. 31 s. 1642; Stats. 1989 s. 302.255; 1995 a. 77.

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~~ <sup>✓</sup>any one political subdivision of

1 another state or any one private<sup>✓</sup> prison, the contract may be entered into only if it  
2 is approved by the legislature by law or by the joint committee on finance.

3 History: 1981 c. 20; 1983 a. 27; 1989 a. 31 s. 1643, Stats. 1989 s. 302.26; 1995 a. 344.

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

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

5 The department may contract with local governments for temporary housing or  
6 detention in county jails or county houses of correction for persons sentenced to  
7 imprisonment in the Wisconsin<sup>✓</sup> state prisons or to the intensive sanctions program.

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

11 History: 1983 a. 27; 1989 a. 31 s. 1644; Stats. 1989 s. 302.27; 1991 a. 39; 1993 a. 89, 437.

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

12 **302.28<sup>✓</sup> Private prisons; limitation.** (1) A private person operating a private  
13 prison in this state may confine in that prison only prisoners transferred to the prison  
14 pursuant to a contract under s. 301.21 (3)<sup>✓</sup>. The private person may not confine  
15 prisoners from states other than Wisconsin in the private prison.

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

17 **302.31 Use of jails.** The county jail may be used for the detention of persons  
18 charged with crime and committed for trial; for the detention of persons committed  
19 to secure their attendance as witnesses; to imprison persons committed pursuant to  
20 a sentence or held in custody by the sheriff for any cause authorized by law; for the  
21 detention of persons sentenced to imprisonment in the Wisconsin<sup>✓</sup> state ~~penal~~  
22 ~~institutions~~ prisons or a county house of correction, until they are removed to those  
23 institutions; for the detention of persons participating in the intensive sanctions  
24 program; for the temporary detention of persons in the custody of the department;

1 and for other detentions authorized by law. The county jail may be used for the  
 2 temporary placement of persons in the custody of the department, other than persons  
 3 under 17 years of age, and persons who have attained the age of 17 years but have  
 4 not attained the age of 25 years who are under the supervision of the department  
 5 under s. 48.366 or 938.355 (4) and who have been taken into custody pending  
 6 revocation of aftercare supervision under s. 48.366 (5) or 938.357 (5) (e).

7 **History:** 1981 c. 20; 1989 a. 31 s. 1646; Stats. 1989 s. 302.31; 1989 a. 336; 1991 a. 39; 1993 a. 16, 89, 385, 490, 1995 a. 27, 77.

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

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

16 **History:** 1983 a. 27; 1985 a. 29; 1987 a. 27; 1989 a. 31 s. 1648; Stats. 1989 s. 302.33; 1989 a. 107, 122, 1991 a. 39, 269; 1993 a. 16, 48, 490; 1995 a. 27; 1997 a. 283.

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

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

22 **History:** 1979 c. 221; 1983 a. 27, 1989 a. 31 s. 1660; Stats. 1989 s. 302.385; 1997 a. 289.

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

23 302.386 (1) Except as provided in sub. (5), liability for medical and dental  
 24 services furnished to residents housed in prisons ~~identified in s. 302.01 a prison~~ or

1 in a secured correctional facility as defined in s. 938.02 (15m), or in a secured child  
2 caring institution, as defined in s. 938.02 (15g), or to forensic patients in state  
3 institutions for those services which are not provided by employes of the department  
4 shall be limited to the amounts payable under ss. 49.43 to 49.47, except s. 49.468, for  
5 similar services. The department may waive any such limit if it determines that  
6 needed services cannot be obtained for the applicable amount. No provider of  
7 services may bill the resident or patient for the cost of services exceeding the amount  
8 of the liability under this subsection.

History: 1985 a. 29; 1989 a. 31 ss. 1661, 1662; Stats. 1989 s. 302.386; 1991 a. 39; 1995 a. 27, 77.

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

10 302.386 (2) (intro.) The liability of the state for medical and dental services  
11 under sub. (1) does not extend to that part of the medical or dental services of a  
12 resident housed in a prison ~~identified in s. 302.01~~<sup>✓</sup>, a secured correctional facility as  
13 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02  
14 (15g), for which any of the following applies:

History: 1985 a. 29; 1989 a. 31 ss. 1661, 1662; Stats. 1989 s. 302.386; 1991 a. 39; 1995 a. 27, 77.

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

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

History: 1985 a. 29; 1989 a. 31 ss. 1661, 1662; Stats. 1989 s. 302.386; 1991 a. 39; 1995 a. 27, 77.

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

23 302.45 (1) The department and any county or group of counties may contract  
24 for the cooperative establishment and use of state-local shared correctional

1 facilities. Inmates sentenced to the Wisconsin state prisons, a county jail, a county  
 2 reforestation camp or a county house of correction may be transferred to a shared  
 3 facility by the department, sheriff or superintendent, respectively, under the  
 4 agreement covering use of the facility. Any inmate confined in a state–local shared  
 5 correctional facility shall be deemed to be serving time in the ~~penal~~ correctional  
 6 institution to which he or she was sentenced and shall be eligible to earn good time  
 7 credit against his or her sentence as provided under ss. 302.11, 302.12;<sup>✓</sup> 302.43;<sup>✓</sup>  
 8 303.07 and 303.19 for that institution.

History: 1983 a. 332; 1989 a. 31 s. 1669; Stats. 1989 s. 302.45; 1995 a. 201.

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

10 303.06 (1) Except as authorized in this section, no goods, except farm  
 11 machinery, farm implements and tools, cordage rope and ply goods, manufactured  
 12 wholly or partly by inmates in any state, city or county ~~penal~~ correctional<sup>✓</sup> institution  
 13 may be offered for sale in the open market.

History: 1983 a. 272; 1989 a. 31 s. 1685; Stats. 1989 s. 303.06; 1989 a. 283; 1991 a. 269; 1995 a. 27, 241, 389; 1997 a. 27

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

15 303.06 (5) A tax–supported institution or a nonprofit agency may offer for sale  
 16 in the open market products manufactured in whole or in part by inmates in a state  
 17 ~~penal~~ correctional<sup>✓</sup> institution as part of a hobby–craft program or vocational training  
 18 if the purpose of the sale is to support the institution’s or agency’s mission or is for  
 19 some other charitable purpose and if the sale of that product or type of product has  
 20 been approved by the prison industries board under s. 303.015 (1) (e).

History: 1983 a. 272; 1989 a. 31 s. 1685; Stats. 1989 s. 303.06; 1989 a. 283; 1991 a. 269; 1995 a. 27, 241, 389; 1997 a. 27.

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

22 303.065 (1) (a) Except as provided in par. (b), the department may grant work  
 23 release privileges to any person incarcerated ~~within the state prisons~~ in a prison<sup>✓</sup>.

History: 1981 c. 266 s. 5; 1983 a. 27; 1985 a. 332 s. 251 (3); 1987 a. 238; 1987 a. 244 s. 7; 1987 a. 412; 1989 a. 31 ss. 1686c, 1686m; Stats. 1989 s. 303.065; 1991 a. 39, 316; 1993 a. 16, 289; 1995 a. 27, 48; 1997 a. 283, 326; s. 13.93 (2) (c).

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

2           303.065 (3) The department shall designate and adapt facilities of the state  
3           prisons for the purpose of quartering inmates with work release privileges or it may  
4           arrange and contract for other facilities, including portions of county jails for inmates  
5           employed in the area. An inmate with work release privileges placed in facilities  
6           outside a ~~state~~ <sup>✓</sup>prison shall be liable for the cost of the inmate's room, board, clothing  
7           and other necessary expenses incident to the inmate's employment or placement  
8           unless other means of payment are approved by the department. No inmate shall  
9           be granted work release privileges until such suitable quarters have been provided  
10          in the area of accepted or proffered employment, or educational or training  
11          placement.

**History:** 1981 c. 266 s. 5; 1983 a. 27; 1985 a. 332 s. 251 (3); 1987 a. 238; 1987 a. 244 s. 7; 1987 a. 412; 1989 a. 31 ss. 1686c, 1686m; Stats. 1989 s. 303.065; 1991 a. 39, 316; 1993 a. 16, 289; 1995 a. 27, 48; 1997 a. 283, 326; s. 13.93 (2) (c).

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

13          303.07 (3) Each prisoner serving a sentence under this section who could have  
14          been sentenced to a the Wisconsin <sup>✓</sup>state ~~prison~~ prisons <sup>✓</sup>is subject to s. 302.11 (1), (1g),  
15          (1q) and (2). Each prisoner serving such a sentence may be transferred to a state  
16          prison upon recommendation of the superintendent and approval of the department.  
17          The county board may, pursuant to its regulations approved by the department,  
18          extend to all other prisoners similar pecuniary earnings and rewards, subject to  
19          similar conditions and limitations as those prescribed by s. 302.12 for prisoners ~~in~~  
20          sentenced <sup>✓</sup>to the Wisconsin state prisons.

**History:** 1971 c. 164 s. 85; 1973 c. 198; 1975 c. 147 s. 54; 1975 c. 199, 430; 1977 c. 29; 1977 c. 418 s. 924 (18) (e); 1983 a. 66, 528; 1985 a. 29 s. 3202 (23); 1989 a. 31 s. 1688; Stats. 1989 s. 303.07; 1993 a. 194; 1995 a. 27 s. 9130 (4); 1997 a. 3, 133.

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

22          303.19 (4) The county board may, pursuant to its regulations approved by the  
23          department, extend to those prisoners similar pecuniary earnings and rewards,



1 subject to similar conditions and limitations as those prescribed by s. 302.12 for  
2 prisoners ~~in~~ sentenced to the Wisconsin state prisons.

3 History: 1971 c. 36; 1977 c. 418 s. 924 (18) (e); 1983 a. 66; 1989 a. 31 s. 1694, Stats. 1989 s. 303.19; 1989 a. 359

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

4 303.21 (1) (a) If an inmate of a state correctional institution or private prison,  
5 in the performance of assigned work is injured so as to be permanently incapacitated  
6 or to have materially reduced earning power, the inmate may, upon being released  
7 from such institution, either upon release on parole or extended supervision or upon  
8 final discharge, be allowed and paid such compensation as the department of  
9 workforce development finds the inmate entitled to. The inmate shall be  
10 compensated on the same basis as if the injury had been covered by ch. 102, except  
11 that the total paid to any inmate may not exceed \$10,000 and may be paid in  
12 instalments. If the injury results from employment in a prison industry, the payment  
13 shall be made from the revolving appropriation for its operation. If there is no  
14 revolving appropriation, payment shall be made from the general fund. In case of  
15 dispute, the procedure for hearing, award and appeal shall be as set forth in ss.  
16 102.16 to 102.26.

17 History: 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 29, 195, 1981 c. 20; 1985 a. 29; 1989 a. 31 s. 1696; Stats. 1989 s. 303.21; 1993 a. 81; 1995 a. 27 ss. 6400, 6401, 9130 (4); 1995 a. 416; 1997 a. 3, 283.

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

18 304.06 (1) (b) Except as provided in sub. (1m) or s. 302.045 (3), 961.49 (2),  
19 973.01 (6) or 973.0135, the parole commission may parole ~~an inmate of a person~~  
20 sentenced to the Wisconsin state prisons or any felon or any person serving at least  
21 one year or more in a county house of correction or a county reforestation camp  
22 organized under s. 303.07, when he or she has served 25% of the sentence imposed  
23 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62  
24 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an

1 inmate serving a life term when he or she has served 20 years, as modified by the  
 2 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if  
 3 applicable. The person serving the life term shall be given credit for time served prior  
 4 to sentencing under s. 973.155, including good time under s. 973.155 (4). The  
 5 secretary may grant special action parole releases under s. 304.02. The department  
 6 or the parole commission shall not provide any convicted offender or other person  
 7 sentenced to the department's custody any parole eligibility or evaluation until the  
 8 person has been confined at least 60 days following sentencing.

NOTE: NOTE: Par. (b) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:  
 History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 333, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538, 1985 a. 262 s. 8; 1987  
 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p, Stats. 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39, 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491, 1995  
 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 284, 326; s. 13.93 (2) (c).

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

10 304.071 (1) The parole commission may at any time grant a parole to any  
 11 prisoner in ~~any penal institution of this~~ state <sup>✓</sup> serving a sentence to the Wisconsin state  
 12 prisons, or the department may at any time suspend the supervision of any person  
 13 who is on probation or parole to the department, if the prisoner or person on  
 14 probation or parole is eligible for induction into the U.S. armed forces. The  
 15 suspension of parole or probation shall be for the duration of his or her service in the  
 16 armed forces; and the parole or probation shall again become effective upon his or  
 17 her discharge from the armed forces in accordance with regulations prescribed by the  
 18 department. If he or she receives an honorable discharge from the armed forces, the  
 19 governor may discharge him or her and the discharge has the effect of a pardon.  
 20 Upon the suspension of parole or probation by the department, the department shall  
 21 issue an order setting forth the conditions under which the parole or probation is  
 22 suspended, including instructions as to where and when and to whom the paroled  
 23 person shall report upon discharge from the armed forces.

History: 1989 a. 31 ss 1702, 1703; Stats. 1989 s. 304.071; 1991 a. 39; 1993 a. 289; 1995 a. 48, 448; 1997 a. 283, 326; s. 13.93 (2) (c)

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

2           **304.115 Emergency removal.** When an emergency exists which in the  
3 opinion of the secretary makes it advisable, the secretary may permit the temporary  
4 removal of a convicted person for such period and upon such conditions as the  
5 secretary determines. The secretary may delegate this authority to the deputy ~~and,~~  
6 the wardens and superintendents of the state prisons and the warden or  
7 superintendent of a private prison. ✓

8 History: 1989 a. 31 s. 1711; Stats. 1989 s. 304.115.

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

9           **447.06 (2) (a) 4.** For a facility, as defined in s. 50.01 (1m), a hospital, as defined  
10 in s. 50.33 (2), a state or federal prison, county jail or other federal, state, county or  
11 municipal correctional institution ✓ or detention facility, or a facility established to  
12 provide care for terminally ill patients.

13 History: 1989 a. 349 ss. 13, 16 to 19; 1993 a. 27; 1997 a. 96.

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

14           **782.03 Petition for writ.** Application for the writ shall be by petition, signed  
15 either by the prisoner or by some person in his or her behalf, and may be made to the  
16 supreme court, the court of appeals or the circuit court of the county, or to any justice  
17 or judge of the supreme court, court of appeals or circuit court or to any court  
18 commissioner, within the county where the prisoner is detained; or if there is no  
19 judge within the county, or for any cause he or she is incapable of acting, or has  
20 refused to grant the writ, then to some judge residing in an adjoining county; but  
21 every application, made by or on behalf of a person sentenced to the Wisconsin ✓ state  
22 prisons, must contain a copy of any motion made under s. 974.06 and shall indicate

1 the disposition of the motion and the court in which the disposition was made. If no  
2 motion was made, the petition shall so state.

History: 1977 c. 187, 449; 1979 c. 32 s. 59; Stats. 1979 s. 782.03.

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

4 **782.45 (title) Witness fees, inmates of state certain institutions.**

History: 1979 c. 32 s. 59; 1979 c. 110; Stats. 1979 s. 782.45; 1989 a. 31; 1995 a. 27 s. 9126 (19)

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

6 782.45 (1) If an inmate of any public institution or private prison operating  
7 under a contract under s. 301.21 (3) is brought into court in response to a writ of  
8 habeas corpus or subpoena, the institution or private prison shall be reimbursed for  
9 the time of the officer conducting the inmate and the actual and necessary traveling  
10 expenses incurred in taking the inmate into court on the process and returning the  
11 inmate to the institution or private prison. The superintendent of the institution or  
12 private prison shall file with the clerk of the court a statement of the expenses. The  
13 clerk shall certify the expenses to the county treasurer, who shall pay to the  
14 superintendent of the institution or private prison the amount so certified, but in a  
15 civil action, such expenses shall be paid by the party requesting the presence of the  
16 inmate.

History: 1979 c. 32 s. 59; 1979 c. 110; Stats. 1979 s. 782.45; 1989 a. 31; 1995 a. 27 s. 9126 (19)

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

18 782.45 (2) In lieu of the procedure under sub. (1) the department of health and  
19 family services and the department of corrections, upon 48 hours' advance notice,  
20 shall release to any sheriff having a suitable jail approved by the department of  
21 corrections for this purpose any prisoner upon presentation of a writ of habeas corpus  
22 to the warden or superintendent of the institution or private prison which is  
23 detaining the inmate. The sheriff shall be informed in advance where the sheriff may  
24 assume custody of the inmate and the sheriff then shall be in charge of the inmate

1 and be responsible for the inmate's custody. During the time that an inmate is absent  
 2 from the state institution or private prison and in the custody of the sheriff the  
 3 inmate shall be entitled to credit for time served on the existing sentence and such  
 4 credit under s. 302.11 that he or she was eligible to receive while an inmate of the  
 5 state institution or private prison. The sheriff shall be responsible for segregating  
 6 the inmate in the jail from other prisoners and the county shall be liable for all  
 7 expenses attendant to his or her detention including medical care. The inmate while  
 8 in the custody of the sheriff shall not be permitted to have visitors or to receive mail  
 9 except as authorized and approved by the warden or superintendent of the state  
 10 institution or private prison which formerly detained the inmate but shall be entitled  
 11 to confer with counsel during reasonable hours without restriction. After the court  
 12 has determined that the inmate is no longer needed or required, the sheriff shall  
 13 promptly return the inmate to the institution or private prison to which detained  
 14 prior to the release to the sheriff for appearance in court.

History: 1979 c. 32 s. 59; 1979 c. 110, Stats. 1979 s. 782.45; 1989 a. 31; 1995 a. 27 s. 9126 (19).

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

16 801.02 (7) (a) 1. "Correctional institution" means any state or, local <sup>✓</sup> or private  
 17 facility that incarcerates or detains any adult accused of, charged with, convicted of,  
 18 or sentenced for any crime. A correctional institution includes a Type 1 prison, as  
 19 defined in s. 301.01 (5), a Type 2 prison, as defined in s. 301.01 (6), a private prison  
 20 operating under a contract under s. 301.21 (3),<sup>✓</sup> a county jail and a house of correction.

History: Sup. Ct. Order, 67 W (2d) 585, 589 (1975); 1975 c. 218; 1981 c. 289, 317; 1995 a. 27; 1997 a. 133, 187

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

22 813.02 (1) (c) 1. ~~The~~ If the case involves a prisoner in a correctional institution,  
 23 as defined in s. ~~§~~ 301.02 (7) (a) 1., the court may not issue the injunction until giving  
 24 notice and an opportunity to be heard on the request for a preliminary injunction to

1 all interested parties, including the attorney general, if the case involves a prisoner  
 2 in a state correctional institution is operated by the state or is a private prison  
 3 operating under a contract under s. 301.21 (3), as defined in s. 801.02 (7) (a) 1 or to  
 4 the attorney representing the local correctional institution involved if the  
 5 correctional institution is operated by a political subdivision of the state and to all  
 6 other interested parties. Any injunction issued without giving notice and an  
 7 opportunity to be heard is void.

History: Sup. Ct. Order, 67 W (2d) 760; Stats. 1975 s. 813.02; Sup. Ct. Order, 141 W (2d) xxvi, 1993 a. 112, 486; 1995 a. 400, 1997 a. 133.

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

9 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.  
 10 (1m) or (2) attains the age of 17 years, the department may place the juvenile in a  
 11 state prison named in s. 302.01. If a juvenile who is subject to a criminal penalty  
 12 under sub. (1m) or (2) is 15 years of age or over, the department may transfer the  
 13 juvenile to the Racine youthful offender correctional facility named in s. 302.01 as  
 14 provided in s. 938.357 (4) (d). A juvenile who is subject to a criminal penalty under  
 15 sub. (1m) or (2) for an act committed before December 31, 1999, is eligible for parole  
 16 under s. 304.06.

History: 1995 a. 77, 216, 352; 1997 a. 27, 35, 205, 252, 283; s. 13.93 (2) (c).

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

18 938.78 (2) (d) 3. Subject to an order under s. 48.366 or 938.183 and placed in  
 19 a state prison under s. 48.366 (8) or 938.183.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283.

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

21 938.992 (3) Notwithstanding s. 938.991 (3) (b), "delinquent juvenile" does not  
 22 include a person subject to an order under s. 48.366 who is confined to a state prison

1 ~~under s. 302.01~~ or a person subject to an order under s. 938.34 (4h) who is 17 years  
2 of age or over.

3 **History:** 1977 c. 449; 1981 c. 390; 1983 a. 189; 1985 a. 294; 1987 a. 27; 1989 a. 31, 107; 1995 a. 27; 1995 a. 77 s. 389 to 392; Stats 1995 s. 938.992.

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

4 939.62 (3) (b) In case of crimes committed in other jurisdictions, the terms do  
5 not include those crimes which are equivalent to motor vehicle offenses under chs.  
6 341 to 349 or to offenses handled through proceedings in the court assigned to  
7 exercise jurisdiction under chs. 48 and 938. Otherwise, felony means a crime which  
8 under the laws of that jurisdiction carries a prescribed maximum penalty of  
9 imprisonment in a prison ~~or penitentiary~~ for one year or more. Misdemeanor means  
10 a crime which does not carry a prescribed maximum penalty sufficient to constitute  
11 it a felony and includes crimes punishable only by a fine.

12 **History:** 1977 c. 449, 1989 a. 85; 1993 a. 289, 483, 486; 1995 a. 77, 448, 1997 a. 219, 283, 295, 326; s. 13.93 (2) (c).

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

13 940.20 (1) BATTERY BY PRISONERS. Any prisoner confined to a state prison ~~or~~  
14 other, a state, county or municipal detention facility or a private prison ~~operating~~  
15 under a contract under s. 301.21 (3) who intentionally causes bodily harm to an  
16 officer, employe, visitor or another inmate of such prison, facility or institution,  
17 without ~~his or her~~ the consent of the person injured, is guilty of a Class D felony.

18 **History:** 1977 c. 173; 1979 c. 30, 113, 221, 1981 c. 118 s. 9; 1983 a. 189 s. 329 (4); 1989 a. 336; 1993 a. 54, 164, 491; 1995 a. 27 s. 9126 (19); 1995 a. 77, 145, 225, 343,  
1997 a. 35, 143, 283.

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

19 940.29 Abuse of residents of ~~penal facilities~~ correctional institutions.  
20 Any person in charge of or employed in a ~~penal~~ correctional institution or other  
21 place of confinement who abuses, neglects or ill-treats any person confined in or a  
22 resident of any such institution or place or who knowingly permits another person  
23 to do so is guilty of a Class E felony.

**History:** 1975 c. 119, 1975 c. 413 s. 18; 1977 c. 173; 1979 c. 124; 1981 c. 20; 1987 a. 161 ss. 12, 13m; 1987 a. 332; 1993 a. 445.

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

2           941.237 (1) (b) “Correctional officer” means any person employed by the state  
3 ~~or, by~~ <sup>✓</sup>any political subdivision of the state or by a private prison <sup>✓</sup>operating under a  
4 contract under s. 301.21 (3) <sup>✓</sup>as a guard or officer whose principal duties are the  
5 supervision and discipline of inmates.

History: 1993 a. 95, 491; 1995 a. 461.

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

7           **946.43 Assaults by prisoners.** Any prisoner confined to a state prison ~~or~~  
8 ~~either, a~~ state, county or municipal detention facility or a private prison <sup>✓</sup>operating  
9 under a contract under s. 301.21 (3) <sup>✓</sup>who intentionally does any of the following is  
10 guilty of a Class C felony:

11           (1) Places an officer, employe, visitor or another inmate of such prison, <sup>✓</sup>facility  
12 or institution in apprehension of an immediate battery likely to cause death or great  
13 bodily harm; or

14           (2) Confines or restrains an officer, employe, visitor or another inmate of such  
15 prison, <sup>✓</sup>facility or institution without the person’s consent.

History: 1977 c. 173, 273.

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

17           946.44 (2) (c) “Institution” includes a private prison operating under a contract  
18 under s. 301.21 (3) <sup>✓</sup>, a secured correctional facility, as defined in s. 938.02 (15m), a  
19 secured child caring institution, as defined in s. 938.02 (15g), and a Type 2 child  
20 caring institution, as defined in s. 938.02 (19r).

History: 1977 c. 173; 1985 a. 320, 1987 a. 27, 236, 238, 403; 1989 a. 31, 107; 1993 a. 16, 377, 385, 486, 491; 1995 a. 27, 77, 352.

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

22           946.45 (2) (c) “Institution” includes a private prison operating under a contract  
23 under s. 301.21 (3), a secured correctional facility, as defined in s. 938.02 (15m), a



1 secured child caring institution, as defined in s. 938.02 (15g), and a Type 2 child  
2 caring institution, as defined in s. 938.02 (19r).

History: 1977 c. 173; 1985 a. 320; 1987 a. 27, 238, 1989 a. 31, 107; 1993 a. 16, 377, 385, 491; 1995 a. 27, 77, 352.

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

4 946.47 (2) (b) A person who commits an act within the jurisdiction of another  
5 state which is punishable by imprisonment for one year or more in ~~a state prison or~~<sup>✓</sup>  
6 ~~penitentiary~~ under the law of that state and would, if committed in this state,  
7 constitute a felony under the law of this state.

History: 1977 c. 173; 1993 a. 486.

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

9 **946.73 Penalty for violating laws governing state or county**  
10 **institutions or private prisons.** Whoever violates any state law or any lawful rule  
11 made pursuant to state law governing state fair park or any state or county  
12 charitable, curative, reformatory, or ~~penal~~<sup>✓</sup> correctional institution while within the  
13 same or the grounds thereof is guilty of a Class C misdemeanor.

History: 1977 c. 173; 1993 a. 213, 215, 491.

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

15 948.50 (4) (a) Is serving a sentence, pursuant to a conviction, in a jail,<sup>✓</sup> state  
16 prison or house of correction.

History: 1983 a. 489; 1987 a. 332 s. 38; Stats. 1987 s. 948 50; 1995 a. 77.

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

18 950.04 (1v) (v) To have the department of corrections make a reasonable  
19 attempt to notify the victim under s. 301.046 (4) regarding community residential  
20 confinements, under s. 301.048 (4m) regarding participation in the intensive  
21 sanctions program, under s. 301.38 regarding escapes from a Type 1 prison or a  
22 private prison,<sup>✓</sup> under s. 301.46 (3) regarding persons registered under s. 301.45,  
23 under s. 302.115 regarding release upon expiration of certain sentences, under s.

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 **History:** 1979 c. 219; 1983 a. 102, 364; 1985 a. 311; 1987 a. 332 s. 64; 1989 a. 31, 1997 a. 181, 237, 283.

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 **History:** 1971 c. 219; 1979 c. 89; 1981 c. 200, 206; 1983 a. 500 s. 43; 1989 a. 31; CSB 2.21; 1993 a. 87, 129, 138, 184, 281, 482; 1995 a. 281 s. 2; 1995 a. 448 ss. 112 to 143, 247, 248, 464 to 468; Stats. 1995 s. 961.01; 1997 a. 35 s. 338; 1997 a. 67.

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 **History:** 1971 c. 219; 1985 a. 328, 1987 a. 339, 1989 a. 121; 1993 a. 98, 118, 482, 490; 1995 a. 402; 1995 a. 448 s. 288; Stats. 1995 s. 961.48; 1997 a. 35 ss. 340, 584, 1997 a. 220.

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 **History:** 1979 c. 240; 1981 c. 297; 1987 a. 332, 1991 a. 17; 1993 a. 95, 105, 1995 a. 77, 154; 1997 a. 35.

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

1 the case. The request shall state the sentence then being served, the date of parole  
2 eligibility, if applicable, or the date of release to extended supervision, the  
3 approximate discharge or conditional release date, and prior decision relating to  
4 parole. If there has been no preliminary examination on the pending case, the  
5 request shall state whether the inmate waives such examination, and, if so, shall be  
6 accompanied by a written waiver signed by the inmate.

History: 1983 a. 528; 1989 a. 31; 1993 a. 486; 1995 a. 48; 1997 a. 283.

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

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

History: 1983 a. 528; 1989 a. 31; 1993 a. 486; 1995 a. 48, 1997 a. 283.

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

18 973.013 (3m) If a person who has not attained the age of 16 years is sentenced  
19 to the Wisconsin state prisons, the department of corrections shall place the person  
20 at a secured juvenile correctional facility or a secured child caring institution, unless  
21 the department of corrections determines that placement in ~~an institution under s.~~  
22 ~~302.01~~ a prison,<sup>✓</sup> is appropriate based on the person's prior record of adjustment in a  
23 correctional setting, if any; the person's present and potential vocational and  
24 educational needs, interests and abilities; the adequacy and suitability of available

1 facilities; the services and procedures available for treatment of the person within  
 2 the various institutions; the protection of the public; and any other considerations  
 3 promulgated by the department of corrections by rule. This subsection does not  
 4 preclude the department of corrections from designating an adult correctional  
 5 institution as a reception center for the person and subsequently transferring the  
 6 person to a secured juvenile correctional facility or a secured child caring institution.  
 7 Section 302.11 and ch. 304 apply to all persons placed in a secured juvenile  
 8 correctional facility or a secured child caring institution under this subsection.

**History:** 1973 c. 90; 1975 c. 189 s. 99 (1); 1975 c. 224 s. 146m; 1983 a. 102, 1983 a. 371 s. 13; Stats 1983 s. 973.013; 1987 a. 27; 1989 a. 31, 107; 1993 a. 486; 1995 a. 27; 1997 a. 283.

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

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

**History:** 1993 a. 194, 483, 1995 a. 448; 1997 a. 219, 283, 295.

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

16 973.03 (2) A defendant sentenced to the Wisconsin state prisons and to a county  
 17 jail or house of correction for separate crimes shall serve all sentences, whether  
 18 concurrent or consecutive, in ~~the state prisons~~ prison.

**History:** 1971 c. 298; 1983 a. 110, 192; 1985 a. 150; 1987 a. 27; 1987 a. 332 s. 64; 1987 a. 398, 399; 1989 a. 31, 85, 1993 a. 48; 1995 a. 281, 448.

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

20 973.045 (4) If an inmate in a state prison or a person sentenced to a the  
 21 Wisconsin state prison ~~prisons~~ has not paid the crime victim and witness assistance  
 22 surcharge under this section, the department shall assess and collect the amount

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

3 **History:** 1983 a. 27; 1987 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 201.

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

4 973.046 (4) If an inmate in a state prison or a person sentenced to a the  
5 Wisconsin state ~~prison~~ prisons has not paid the deoxyribonucleic acid analysis  
6 surcharge under this section, the department shall assess and collect the amount  
7 owed from the inmate's wages or other moneys. Any amount collected shall be  
8 transmitted to the state treasurer.

9 **History:** 1993 a. 16; 1995 a. 201; 1997 a. 27.

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

10 973.08 (1) When any defendant is sentenced to the Wisconsin state prisons, a  
11 copy of the judgment of conviction and a copy of any order for restitution under s.  
12 973.20 shall be delivered by the officer executing the judgment to the warden or  
13 superintendent of the institution when the prisoner is delivered.

14 **History:** 1971 c. 298 s. 26 (1); 1977 c. 187; Sup. Ct. Order, eff. 1-1-80; 1979 c. 221; 1987 a. 398.

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

15 973.18 (4) The judge shall direct the defendant's counsel to confer with the  
16 defendant before signing the form, during the proceeding or as soon thereafter as  
17 practicable, and may make appropriate orders to allow the defendant to confer with  
18 counsel before being transferred to the Wisconsin state ~~prison~~ prisons. The  
19 defendant shall be given a copy of the form.

20 **History:** Sup. Ct Order, 123 W (2d) xi (1985).

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

21 **976.08 Additional applicability.** In this chapter, "prisoner" includes any  
22 person in a private prison operating under a contract under s. 301.21 (3), any person  
23 subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin state

1 prison and any person subject to an order under s. 938.34 (4h) who is 17 years of age  
2 or older.

3 History: 1987 a. 27; 1995 a. 77.

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

4 990.01 (5w) CORRECTIONAL INSTITUTION. “Correctional institution” includes a  
5 prison, jail, house of correction and any other place of penal detention.

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

7 990.01 (30g) PRISON. “Prison” includes a state prison under s. 302.01 and a  
8 private prison operating under a contract under s. 301.21 (3). “Prison” does not  
9 include a federal correctional institution.

10 **SECTION 194. Effective dates.** This act takes effect on the day after  
11 publication, except as follows:

12 (1) The repeal and recreation of section 302.095 (2) of the statutes takes effect  
13 on December 31, 1999.

14 (2) The repeal and recreation of section 51.35 (3) (c) and (e) of the statutes takes  
15 effect on December 1, 2001.

16 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0475/P1dn  
JEO & RAC;jlg:km

December 23, 1998

Mark Grapentine:

This draft allows DOC to contract with a private prison operating in this state. The draft is lengthy because of the number of references in current law to "prison", "correctional institution" and similar entities. In addition to reviewing the draft carefully yourself, you may want to have DOC review the draft to make sure that it does not effect some changes that we are unaware of and that you do not intend. When reviewing the draft, please note the following:

1. As we discussed, the draft generally treats private prisons the same way state prisons are treated under current statutes. For instance, wherever the statutes currently refer simply to "prison", that reference will include private prisons. Also, as you will see when you review it, the draft changes a number of statutes to refer to "prison" instead of "state prison", thus making the statute applicable to private prisons. Please review all of these changes carefully to make sure that you want the statute to apply to private prisons.

This approach has the virtue of dealing with several issues raised by Attorney Ann Sappenfield of Legislative Council Staff about 1997 Assembly Bill 634, which we had drafted for you last session. Specifically, on pages two and three of her December 10, 1997, memorandum to your office, she pointed out that 1997 AB-634 did not specifically address the status of private prison inmates and the powers and duties of a private prison (or the warden or keeper of a private prison) under certain statutes. The draft deals with the issues raised by Attorney Sappenfield as follows: a) it gives superintendents or wardens of private prisons some law enforcement authority (ss. 301.29 (2) and 302.07, stats.); b) it gives DOC authority to investigate private prisons (s. 301.36, stats.); c) it allows transfer and commitment of private prison inmates under ss. 51.20 and 51.37, stats.; d) it requires DOC to notify victims of an escape from a private prison (s. 301.38, stats.); e) it prohibits delivery of contraband to a private prison (s. 302.095 (2), stats.); and f) it makes it clear that private prisoners are covered under ss. 940.20 and 946.43, stats. Do all of these provisions effect your intent?

The draft does *not* address the following two statutes in Attorney Sappenfield's list. The first statute is s. 301.03 (2), stats., which does not appear to need amending because DOC is essentially supervising custody and discipline through the contract with a private prison (just as it is currently with respect to out-of-state prisoners). The second statute is s. 301.28, stats., which deals with training of state correctional

officers. As Attorney Sappenfield mentioned in her memorandum, you may want to require training for private prison guards. If so, the draft will have to be changed to do that.

2. As noted above, the draft generally treats private prisons like state prisons. At the same time, the draft provides that participants in the adult intensive sanctions program and the serious juvenile offender program may not be placed in a private prison during any correctional placement under those programs. Is that your intent?

The draft also leaves alone certain provisions of current law that it seemed logical to apply only to state prisons. In particular, the draft does not affect a number of provisions of chs. 301 to 304 that relate to state prison facilities and employes, and the draft generally does not treat private prison guards as state prison guards. However, the draft does include private prison guards in the definition of "correctional officer" under ss. 252.14 (1) (ad), 252.15 (1) (ad) and 941.237 (1) (b), stats. Is that your intent?

3. When we were searching the statutes for current statutes relating to state prisons we found a good amount of inconsistent and downright archaic terminology. To help clarify what statutes apply to private prisons we have attempted to eliminate some of the inconsistencies and archaisms. Specifically, this draft generally eliminates the use of "penal institution", "penal facility" and "penitentiary" and substitutes prison or correctional institution, depending on the context.

The draft also replaces "correctional facility" with "correctional institution" except: a) with respect to juvenile secured correctional facilities defined in s. 938.02 (15m), stats.; and b) where the context seems clearly to be referring to an institution's physical plant or bricks and mortar (e.g., ss. 20.410 (1) (gm) and (3) (e), 20.866 (2) (ux) and 301.18 (4), stats.; compare ss. 301.046 (1) and 301.048 (4) (b), stats., which distinguish between "facilities" and the "institution"). The draft does not make terminology changes in s. 302.25, stats., the interstate corrections compact, or ch. 976, which contains the uniform acts concerning criminal procedure.

Finally, the draft does not eliminate the references to "municipal prison" in ss. 250.04 (10) and 302.30, stats., because we have not yet been able to determine whether such a thing still exists. If the term is archaic and no such thing exists anymore, the references could be eliminated in the next draft.

4. For purposes of getting out a preliminary draft, this draft provides that a private prison operating in this state may house Wisconsin prisoners only. See proposed s. 302.28. If you want to allow private prisons to take prisoners from other states, then we need to discuss whether you want DOC or some other agency to have any licensing or other regulatory authority over private prisons and, if so, what that authority will be. (You could of course leave much of the regulatory detail to be established in agency rules.)



Please let us know if you have any questions or changes. If you would like to discuss in more detail the numerous current statutes dealing with prisons and how they are affected by this draft, we would be happy to set up a meeting to do so.

Jefren E. Olsen  
Legislative Attorney  
266-8906

Richard A. Champagne  
Legislative Attorney  
266-9930



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0475/P1  
JEO & RAC;jlg:km

By Monday 2/15

~~By Note~~

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

regenerate

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),  
15 165.84 (4), 165.84 (5), 165.84 (6), 230.36 (1), 230.36 (3) (c) (intro.), 250.04 (10),

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

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

ANALYSIS  
INSERT

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**Analysis by the Legislative Reference Bureau**

~~This is a preliminary draft. An analysis will be provided in a later version.~~

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***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:

9 16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND  
10 JUVENILES IN SECURED CORRECTIONAL FACILITIES. Receive, examine, determine and  
11 audit claims, duly certified and approved by the department of corrections, from the  
12 county clerk of any county in behalf of the county, which are presented for payment  
13 to reimburse the county for certain expenses incurred or paid by it in reference to all  
14 matters growing out of actions and proceedings involving prisoners in state prisons,  
15 ~~as defined in s. 302.01~~, or juveniles in secured correctional facilities, as defined in s.  
16 938.02 (15m), including prisoners or juveniles transferred to a mental health  
17 institute for observation or treatment, when the proceedings are commenced in  
18 counties in which the prisons or secured correctional facilities are located by a  
19 district attorney or by the prisoner or juvenile as a postconviction remedy or a matter  
20 involving the prisoner's status as a prisoner or the juvenile's status as a resident of

1 a secured correctional facility and for certain expenses incurred or paid by it in  
2 reference to holding those juveniles in secure custody while those actions or  
3 proceedings are pending. Expenses shall only include the amounts that were  
4 necessarily incurred and actually paid and shall be no more than the legitimate cost  
5 would be to any other county had the offense or crime occurred therein.

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

7 16.84 (2) Appoint such number of police officers as is necessary to safeguard  
8 all public property placed by law in the department's charge, and provide, by  
9 agreement with any other state agency, police and security services at buildings and  
10 facilities owned, controlled or occupied by the other state agency. The governor or  
11 the department may, to the extent it is necessary, authorize police officers employed  
12 by the department to safeguard state officers, state employes or other persons. A  
13 police officer who is employed by the department and who is performing duties that  
14 are within the scope of his or her employment as a police officer has the powers of a  
15 peace officer under s. ~~59.24~~ 59.28, except that the officer has the arrest powers of a  
16 law enforcement officer under s. 968.07 regardless of whether the violation is  
17 punishable by forfeiture or criminal penalty. The officer may exercise the powers of  
18 a peace officer and the arrest powers of a law enforcement officer while located  
19 anywhere within this state. Nothing in this subsection limits or impairs the duty of  
20 the chief and each police officer of the police force of the municipality in which the  
21 property is located to arrest and take before the proper court or magistrate persons  
22 found in a state of intoxication or engaged in any disturbance of the peace or violating  
23 any state law in the municipality in which the property is located, as required by s.  
24 62.09 (13).

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

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

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

6           19.35 (1) (am) 2. c. Endanger the security of any ~~state correctional institution,~~  
7 ~~as defined in s. 301.01 (4)~~ prison, jail, as defined in s. 165.85 (2) (bg), secured  
8 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,  
9 as defined in s. 938.02 (15g), mental health institute, as defined in s. 51.01 (12),  
10 center for the developmentally disabled, as defined in s. 51.01 (3), or the population  
11 or staff of any of these institutions, facilities or jails.

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

13           20.410 (1) (c) *Reimbursement claims of counties containing state prisons.* A  
14 sum sufficient to pay all valid claims made by county clerks of counties containing  
15 ~~state~~ prisons as provided in s. 16.51 (7).

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

17           20.410 (3) (c) *Reimbursement claims of counties containing secured*  
18 *correctional facilities.* The amounts in the schedule to pay all valid claims made by  
19 county clerks of counties containing state juvenile secured correctional ~~institutions~~  
20 facilities as provided in s. 16.51 (7).

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

22           20.410 (9) (c) *Witness fees of inmates.* The money received in reimbursement  
23 of expenses incurred in taking inmates of ~~state institutions~~ into court under s. 51.20  
24 (18) or 782.45 shall be refunded to the appropriations made by sub. (1) (a) for  
25 operation of the institutions.

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

2           20.435 (2) (gk) *Institutional operations and charges.* The amounts in the  
3 schedule for care provided by the centers for the developmentally disabled to  
4 reimburse the cost of providing the services and to remit any credit balances to  
5 county departments that occur on and after July 1, 1978, in accordance with s. 51.437  
6 (4rm) (c); for care provided by the mental health institutes, to reimburse the cost of  
7 providing the services and to remit any credit balances to county departments that  
8 occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for  
9 maintenance of state-owned housing at centers for the developmentally disabled  
10 and mental health institutes; for repair or replacement of property damaged at the  
11 mental health institutes or at centers for the developmentally disabled; and for  
12 reimbursing the total cost of using, producing and providing services, products and  
13 care. All moneys received as payments from medical assistance on and after August  
14 1, 1978; as payments from all other sources including other payments under s. 46.10  
15 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical  
16 assistance payments, other payments under s. 46.10 and payments under s. 51.42  
17 (3) (as) 2. received on and after January 1, 1979; as payments under s. 51.07 (4); as  
18 payments for the rental of state-owned housing and other institutional facilities at  
19 centers for the developmentally disabled and mental health institutes; for the sale  
20 of electricity, steam or chilled water; as payments in restitution of property damaged  
21 at the mental health institutes or at centers for the developmentally disabled; for the  
22 sale of surplus property, including vehicles, at the mental health institutes or at  
23 centers for the developmentally disabled; and for other services, products and care  
24 shall be credited to this appropriation, except that any payment under s. 46.10  
25 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20

1 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9)  
2 (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed  
3 under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of  
4 patients transferred from a state prison under s. 51.37 (5), to Mendota mental health  
5 institute or Winnebago mental health institute shall be treated as general purpose  
6 revenue — earned, as defined under s. 20.001 (4).

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

8 20.917 (5) (a) (intro.) To encourage affirmative action, as defined in s. 230.03  
9 (2), at the ~~correctional facilities~~ state prisons under s. 302.01, the department of  
10 corrections may, from the appropriation under s. 20.410 (1) (a), reimburse an  
11 employe for any of the following expenses incurred during the first 30 days of  
12 employment or the first 30 days following successful completion of a preservice  
13 training program:

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

15 **29.199 Authorizations for certain patients and institutionalized**  
16 **persons to fish.** ~~The~~ Upon request of the superintendent of the hospital, prison or  
17 institution, the department shall issue an authorization without charge to a county  
18 hospital, a state or federal mental hospital, ~~state correctional institution~~ a prison or  
19 a nonprofit institution located in this state for rehabilitation purposes ~~upon request~~  
20 ~~of the superintendent of the institution.~~ The authorization permits a resident of the  
21 hospital, prison or institution who is supervised by an employe of the hospital, prison  
22 or institution to fish for fish subject to all other provisions of law.

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

24 38.04 (12) PRISON INMATE EDUCATIONAL PROGRAM. The board may establish  
25 vocational educational programs for prison inmates ~~within the state correctional~~



1 ~~system~~ and contract with the departments of corrections and health and family  
2 services for reimbursement of that portion of the district program costs which  
3 exceeds amounts received as state and federal aid.

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

5 38.24 (1m) (d) *Programs for inmates.* Uniform fees, for vocational programs  
6 or courses offered to state prison inmates at a district facility by the department of  
7 corrections or the department of health and family services in cooperation with a  
8 district board, equal to the fees established under par. (b).

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

10 40.02 (48) (c) In s. 40.65, “protective occupation participant” means a  
11 participating employe who is a police officer, fire fighter, an individual determined  
12 by a participating employer under par. (a) or (bm) to be a protective occupation  
13 participant, county undersheriff, deputy sheriff, state probation and parole officer,  
14 county traffic police officer, conservation warden, state forest ranger, field  
15 conservation employe of the department of natural resources who is subject to call  
16 for forest fire control or warden duty, member of the state traffic patrol, state motor  
17 vehicle inspector, university of Wisconsin system full-time police officer, guard or  
18 any other employe whose principal duties are supervision and discipline of inmates  
19 at a state ~~penal~~ correctional institution, excise tax investigator employed by the  
20 department of revenue, person employed under s. 61.66 (1), or special criminal  
21 investigation agent employed by the department of justice.

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

23 46.056 (1) The department shall establish the Wisconsin resource center on the  
24 grounds of the Winnebago mental health institute near Oshkosh. Notwithstanding  
25 s. 301.03, the department shall have responsibility for administering the center as

1 a correctional institution that provides psychological evaluations, specialized  
2 learning programs, training and supervision for inmates whose behavior presents  
3 a serious problem to themselves or others in ~~state prisons~~ the correctional institution  
4 in which they have been detained and whose mental health needs can be met at the  
5 center.

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

7 46.10 (2m) The liability specified in sub. (2) shall not apply to tuberculosis  
8 patients receiving care, maintenance, services and supplies under ss. 58.06 and  
9 252.07 to 252.10, to persons 18 and older receiving care, maintenance, services and  
10 supplies provided by ~~prisons named in s. 302.01~~ a prison or to parents of a minor who  
11 receives care for alcohol or drug abuse under s. 51.47 (1) without consent of the  
12 minor's parent or guardian.

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

14 46.22 (1) (c) 2. Subdivision 1. does not authorize the county department of  
15 social services to make investigations regarding admission to or release from the  
16 Waupun correctional institution, the Columbia correctional institution, the Racine  
17 correctional institution, the Racine Youthful Offender Correctional Facility, the  
18 correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), the  
19 correctional institution authorized under s. 301.046 (1), the correctional institution  
20 authorized under s. 301.048 (4) (b), the correctional institution authorized under s.  
21 301.16 (1n), the Oshkosh correctional institution, the Green Bay correctional  
22 institution, the Dodge correctional institution, the Taycheedah correctional  
23 institution, a private prison operating under a contract under s. 301.21 (3), county  
24 houses of correction, jails, detention homes or reforestation camps.

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

1           48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections  
2           may transfer a person subject to an order between secured correctional facilities.  
3           After the person attains the age of 17 years, the department of corrections may place  
4           the person in a state prison ~~named in s. 302.01~~. If the person is 15 years of age or  
5           over, the department of corrections may transfer the person to the Racine youthful  
6           offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). If  
7           the department of corrections places a person subject to an order under this section  
8           in a state prison, that department shall provide services for that person from the  
9           appropriate appropriation under s. 20.410 (1). The department of corrections may  
10          transfer a person placed in a state prison under this subsection to or between state  
11          prisons ~~named in s. 302.01~~ as provided under s. 302.18 (1) without petitioning for  
12          revision of the order under sub. (5) (a).

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

14           48.78 (2) (d) 3. Subject to an order under s. 48.366 and placed in a state prison  
15          under s. 48.366 (8).

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

17           49.32 (7) (d) The department, with assistance from the department of  
18          corrections, shall conduct a program to periodically match the records of persons in  
19          the custody of the department of corrections who are confined in ~~state correctional~~  
20          facilities a prison with the records of recipients of medical assistance under s. 49.46,  
21          49.468 or 49.47, aid to families with dependent children under s. 49.19 and the food  
22          stamp program under 7 USC 2011 to 2029 to identify recipients who may be ineligible  
23          for benefits.

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

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

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

8           50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,  
9 58.06, 252.073, 252.076 and 252.10, secured correctional facilities as defined in s.  
10 938.02 (15m), correctional institutions governed by the department of corrections  
11 under s. 301.02, private prisons operating under a contract under s. 301.21 (3) and  
12 the offices and clinics of persons licensed to treat the sick under chs. 446, 447 and 448  
13 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights  
14 of the medical examining board, physical therapists affiliated credentialing board,  
15 podiatrists affiliated credentialing board, dentistry examining board, pharmacy  
16 examining board, chiropractic examining board and board of nursing in carrying out  
17 their statutory duties and responsibilities.

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

19           51.20 (1) (ar) (intro.) If the individual is an inmate of a state prison, the petition  
20 may allege that the inmate is mentally ill, is a proper subject for treatment and is  
21 in need of treatment. The petition shall allege that appropriate less restrictive forms  
22 of treatment have been attempted with the individual and have been unsuccessful  
23 and it shall include a description of the less restrictive forms of treatment that were  
24 attempted. The petition shall also allege that the individual has been fully informed  
25 about his or her treatment needs, the mental health services available to him or her

1 and his or her rights under this chapter and that the individual has had an  
2 opportunity to discuss his or her needs, the services available to him or her and his  
3 or her rights with a licensed physician or a licensed psychologist. The petition shall  
4 include the inmate's sentence and his or her expected date of release as determined  
5 under s. 302.11 or 302.113, whichever is applicable. The petition shall have attached  
6 to it a signed statement by a licensed physician or a licensed psychologist of a state  
7 prison and a signed statement by a licensed physician or a licensed psychologist of  
8 a state treatment facility attesting either of the following:

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

10 51.20 (7) (b) If the subject individual is not detained or is an inmate of a state  
11 prison, county jail or house of correction, the court shall hold a hearing within a  
12 reasonable time of the filing of the petition, to determine whether there is probable  
13 cause to believe the allegations made under sub. (1).

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

15 51.20 (7) (c) If the court determines that there is probable cause to believe the  
16 allegations made under sub. (1), it shall schedule the matter for a hearing within 14  
17 days from the time of detention of the subject individual, except as provided in sub.  
18 (8) (bg) or (bm) or (11) (a). If a postponement has been granted under par. (a), the  
19 matter shall be scheduled for hearing within 21 days from the time of detention of  
20 the subject individual. If the subject individual is not detained under s. 51.15 or this  
21 section or is an inmate of a state prison, county jail or house of correction, the hearing  
22 shall be scheduled within 30 days of the hearing to determine probable cause for  
23 commitment. In the event that the subject individual fails to appear for the hearing  
24 to determine probable cause for commitment, the court may issue an order for the  
25 subject individual's detention and shall hold the hearing to determine probable cause

1 for commitment within 48 hours, exclusive of Saturdays, Sundays and legal  
2 holidays, from the time that the individual is detained.

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

4 51.20 (11) (a) If before involuntary commitment a jury is demanded by the  
5 individual against whom a petition has been filed under sub. (1) or by the individual's  
6 counsel if the individual does not object, the court shall direct that a jury of 6 people  
7 be selected to determine if the allegations specified in sub. (1) (a), (ar) or (av) are true.  
8 A jury trial is deemed waived unless demanded at least 48 hours in advance of the  
9 time set for final hearing, if notice of that time has been previously provided to the  
10 subject individual or his or her counsel. If a jury trial demand is filed within 5 days  
11 of detention, the final hearing shall be held within 14 days of detention. If a jury trial  
12 demand is filed later than 5 days after detention, the final hearing shall be held  
13 within 14 days of the date of demand. If an inmate of a state prison, county jail or  
14 house of correction demands a jury trial within 5 days after the probable cause  
15 hearing, the final hearing shall be held within 28 days of the probable cause hearing.  
16 If an inmate of a state prison, county jail or house of correction demands a jury trial  
17 later than 5 days after the probable cause hearing, the final hearing shall be held  
18 within 28 days of the date of demand.

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

20 51.20 (13) (a) 3. If the individual is not an inmate of a state prison, county jail  
21 or house of correction and the allegations specified in sub. (1) (a) are proven, order  
22 commitment to the care and custody of the appropriate county department under s.  
23 51.42 or 51.437, or if inpatient care is not required order commitment to outpatient  
24 treatment under care of such county department; or

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

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

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

7           51.20 (19) (b) 1. Establishing standards for the use of psychotropic drugs on  
8           prisoners in a state prison and inmates committed under sub. (1) (ar).

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

10          51.30 (4) (b) 10. (intro.) To a correctional facility or to a probation, extended  
11          supervision and parole agent who is responsible for the supervision of an individual  
12          who is receiving inpatient or outpatient evaluation or treatment under this chapter  
13          in a program that is operated by, or is under contract with, the department or a  
14          county department under s. 51.42 or 51.437, or in a treatment facility, as a condition  
15          of the probation, extended supervision and parole supervision plan, or whenever  
16          such an individual is transferred from a ~~state or local correctional facility~~ institution  
17          to such a treatment program and is then transferred back to the correctional ~~facility~~  
18          institution. Every probationer, parolee or person on extended supervision who  
19          receives evaluation or treatment under this chapter shall be notified of the  
20          provisions of this subdivision by the individual's probation, extended supervision  
21          and parole agent. Release of records under this subdivision is limited to:

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

23          51.30 (4) (b) 10. c. When an individual is transferred from a treatment facility  
24          back to a correctional ~~facility~~ institution, the information provided under subd. 10.  
25          d.

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

2           51.30 (4) (b) 10. d. Any information necessary to establish, or to implement  
3 changes in, the individual's treatment plan or the level and kind of supervision on  
4 probation, extended supervision or parole, as determined by the director of the  
5 facility or the treatment director. In cases involving a person transferred back to a  
6 correctional ~~facility~~ institution, disclosure shall be made to clinical staff only. In  
7 cases involving a person on probation, extended supervision or parole, disclosure  
8 shall be made to a probation, extended supervision and parole agent only. The  
9 department shall promulgate rules governing the release of records under this  
10 subdivision.

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

12           51.35 (3) (a) A licensed psychologist of a juvenile correctional ~~facility~~  
13 institution or a secured child caring institution, as defined in s. 938.02 (15g), or a  
14 licensed physician of the department of corrections, who has reason to believe that  
15 any individual confined in the ~~facility~~ or institution is, in his or her opinion, in need  
16 of services for developmental disability, alcoholism or drug dependency or in need of  
17 psychiatric services, and who has obtained voluntary consent to make a transfer for  
18 treatment, shall make a report, in writing, to the superintendent of the ~~facility~~ or  
19 institution, stating the nature and basis of the belief and verifying the consent. In  
20 the case of a minor age 14 and over, the minor and the minor's parent or guardian  
21 shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of  
22 a minor under the age of 14, only the minor's parent or guardian need consent. The  
23 superintendent shall inform, orally and in writing, the minor and the minor's parent  
24 or guardian, that transfer is being considered and shall inform them of the basis for  
25 the request and their rights as provided in s. 51.13 (3). If the department of



1 corrections, upon review of a request for transfer, determines that transfer is  
2 appropriate, that department shall immediately notify the department of health and  
3 family services and, if the department of health and family services consents, the  
4 department of corrections may immediately transfer the individual. The  
5 department of corrections shall file a petition under s. 51.13 (4) (a) in the court  
6 assigned to exercise jurisdiction under chs. 48 and 938 of the county where the  
7 treatment facility is located.

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

9 51.35 (3) (c) A licensed psychologist of a juvenile correctional ~~facility~~ institution  
10 or a secured child caring institution, as defined in s. 938.02 (15g), or a licensed  
11 physician of the department, who has reason to believe that any individual confined  
12 in the ~~facility~~ or institution, in his or her opinion, is mentally ill, drug dependent or  
13 developmentally disabled and is dangerous as described in s. 51.20 (1) (a) 2. a., b.,  
14 c. or d., is mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a)  
15 2. e. or is an alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall  
16 file a written report with the superintendent of the ~~facility~~ or institution, stating the  
17 nature and basis of the belief. If the superintendent, upon review of the allegations  
18 in the report, determines that transfer is appropriate, he or she shall file a petition  
19 according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under chs.  
20 48 and 938 of the county where the correctional ~~facility~~ institution or secured child  
21 caring institution is located. The court shall hold a hearing according to procedures  
22 provided in s. 51.20 or 51.45 (13).

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

1           51.35 (3) (c) A licensed psychologist of a juvenile correctional institution or a  
2 licensed physician of the department of corrections, who has reason to believe that  
3 any individual confined in the institution, in his or her opinion, is mentally ill, drug  
4 dependent or developmentally disabled and is dangerous as described in s. 51.20 (1)  
5 (a) 2., or is an alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2.,  
6 shall file a written report with the superintendent of the institution, stating the  
7 nature and basis of the belief. If the superintendent, upon review of the allegations  
8 in the report, determines that transfer is appropriate, he or she shall file a petition  
9 according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under ch.  
10 48 of the county where the correctional institution is located. The court shall hold  
11 a hearing according to procedures provided in s. 51.20 or 51.45 (13).

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

13           51.35 (3) (e) The department of corrections may authorize emergency transfer  
14 of an individual from a juvenile correctional ~~facility~~ institution or a secured child  
15 caring institution, as defined in s. 938.02 (15g), to a state treatment facility if there  
16 is cause to believe that the individual is mentally ill, drug dependent or  
17 developmentally disabled and exhibits conduct which constitutes a danger as  
18 described under s. 51.20 (1) (a) 2. a., b., c. or d. to the individual or to others, is  
19 mentally ill, is dangerous and satisfies the standard under s. 51.20 (1) (a) 2. e. or is  
20 an alcoholic and is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The custodian  
21 of the sending ~~facility~~ or institution shall execute a statement of emergency  
22 detention or petition for emergency commitment for the individual and deliver it to  
23 the receiving state treatment facility. The department of health and family services  
24 shall file the statement or petition with the court within 24 hours after the subject  
25 individual is received for detention or commitment. The statement or petition shall

1 conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made,  
2 the director of the receiving facility may file a petition for continued commitment  
3 under s. 51.20 (1) or 51.45 (13) or may return the individual to the ~~facility or~~  
4 institution from which the transfer was made. As an alternative to this procedure,  
5 the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no prisoner  
6 may be released without the approval of the court which directed confinement in the  
7 correctional ~~facility~~ institution or secured child caring institution.

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

10 51.35 (3) (e) The department may authorize emergency transfer of an  
11 individual from a juvenile correctional institution to a state treatment facility if  
12 there is cause to believe that the individual is mentally ill, drug dependent or  
13 developmentally disabled and exhibits conduct which constitutes a danger as  
14 described under s. 51.20 (1) (a) 2. to the individual or to others, or is an alcoholic and  
15 is dangerous as provided in s. 51.45 (13) (a) 1. and 2. The correctional custodian of  
16 the sending institution shall execute a statement of emergency detention or petition  
17 for emergency commitment for the individual and deliver it to the receiving state  
18 treatment facility. The department shall file the statement or petition with the court  
19 within 24 hours after the subject individual is received for detention or commitment.  
20 The statement or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After  
21 an emergency transfer is made, the director of the receiving facility may file a  
22 petition for continued commitment under s. 51.20 (1) or 51.45 (13) or may return the  
23 individual to the institution from which the transfer was made. As an alternative  
24 to this procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used, except

1 that no prisoner may be released without the approval of the court which directed  
2 confinement in the correctional institution.

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

4 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment  
5 facility under par. (a) may request in writing a return to the juvenile correctional  
6 facility institution or secured child caring institution, as defined in s. 938.02 (15g).  
7 In the case of a minor under 14 years of age, the parent or guardian may make the  
8 request. Upon receipt of a request for return from a minor 14 years of age or over,  
9 the director shall immediately notify the minor's parent or guardian. The minor  
10 shall be returned to the juvenile correctional facility institution or secured child  
11 caring institution within 48 hours after submission of the request unless a petition  
12 or statement is filed for emergency detention, emergency commitment, involuntary  
13 commitment or protective placement.

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

15 51.37 (5) (a) When a licensed physician or licensed psychologist of a state  
16 prison, of a county jail or of the department of corrections reports in writing to the  
17 officer in charge of a jail or institution that any prisoner is, in his or her opinion,  
18 mentally ill, drug dependent, or developmentally disabled and is appropriate for  
19 treatment as described in s. 51.20 (1), or is an alcoholic and is dangerous as described  
20 in s. 51.45 (13) (a) 1. and 2.; or that the prisoner is mentally ill, drug dependent,  
21 developmentally disabled or is an alcoholic and is in need of psychiatric or  
22 psychological treatment, and that the prisoner voluntarily consents to a transfer for  
23 treatment, the officer shall make a written report to the department of corrections  
24 which may transfer the prisoner if a voluntary application is made and the  
25 department of health and family services consents. If voluntary application is not

1 made, the department of corrections may file a petition for involuntary commitment  
2 under s. 51.20 (1) or 51.45 (13). Any time spent by a prisoner in an institution  
3 designated under sub. (3) or s. 51.37 (2), 1983 stats., shall be included as part of the  
4 individual's sentence.

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

6 51.37 (8) (b) If the condition of any prisoner or inmate committed or transferred  
7 under this section requires psychiatric or psychological treatment after his or her  
8 date of release as determined under s. 302.11 or 302.113, whichever is applicable, the  
9 director of the state treatment facility shall, within a reasonable time before the  
10 release date of the prisoner or inmate, make a written application to the court which  
11 committed the prisoner or inmate under sub. (5) (a). Thereupon, the proceeding shall  
12 be upon application made under s. 51.20, but no physician or psychologist who is  
13 connected with a state prison, Winnebago or Mendota mental health institute or any  
14 county jail or house of correction may be appointed as an examiner. If the court does  
15 not commit the prisoner or inmate, it may dismiss the application and order the  
16 prisoner or inmate returned to the institution from which he or she was transferred  
17 until the release date of the prisoner or inmate. If the court commits the prisoner or  
18 inmate for the period commencing upon his or her release date, the commitment  
19 shall be to the care and custody of the county department under s. 51.42 or 51.437.

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

21 51.37 (10) (e) The director of the facility in which the patient under par. (am)  
22 is detained or committed shall notify ~~the appropriate correctional officers~~ of the  
23 department of corrections of the intention to grant a home visit or leave under this  
24 subsection at least 20 days prior to the departure of the patient from the facility.

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

1           51.37 (11) When an individual who is in the custody of or under the supervision  
2 of a ~~correctional officer~~ of the department of corrections is transferred, discharged  
3 or is on unauthorized absence from a treatment facility, the probation, extended  
4 supervision and parole agent or other individual within the department of  
5 corrections who is responsible for that individual's supervision shall be notified as  
6 soon as possible by the director of the treatment facility.

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

8           51.40 (1) (j) "State facility" means a state mental health institute, a center for  
9 the developmentally disabled, a prison ~~as specified in s. 302.01~~ or a facility that is  
10 operated directly by the department of health and family services or the department  
11 of corrections.

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

13           51.42 (3) (as) 1. A county department of community programs shall authorize  
14 all care of any patient in a state, local or private facility under a contractual  
15 agreement between the county department of community programs and the facility,  
16 unless the county department of community programs governs the facility. The need  
17 for inpatient care shall be determined by the program director or designee in  
18 consultation with and upon the recommendation of a licensed physician trained in  
19 psychiatry and employed by the county department of community programs or its  
20 contract agency. In cases of emergency, a facility under contract with any county  
21 department of community programs shall charge the county department of  
22 community programs having jurisdiction in the county where the patient is found.  
23 The county department of community programs shall reimburse the facility for the  
24 actual cost of all authorized care and services less applicable collections under s.  
25 46.036, unless the department of health and family services determines that a

1 charge is administratively infeasible, or unless the department of health and family  
2 services, after individual review, determines that the charge is not attributable to the  
3 cost of basic care and services. A county department of community programs may  
4 not reimburse any state institution or receive credit for collections for care received  
5 therein by nonresidents of this state, interstate compact clients, transfers under s.  
6 51.35 (3), and transfers from ~~Wisconsin~~ state prisons under s. 51.37 (5) (a),  
7 commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14,  
8 971.17 or 975.06 or admissions under s. 975.17, 1977 stats., or children placed in the  
9 guardianship of the department of health and family services under s. 48.427 or  
10 48.43 or under the supervision of the department of corrections under s. 938.183 or  
11 938.355. The exclusionary provisions of s. 46.03 (18) do not apply to direct and  
12 indirect costs which are attributable to care and treatment of the client.

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

14 51.45 (15) (b) No provisions of this section may be deemed to contradict any  
15 rules or regulations governing the conduct of any inmate of a ~~state or county~~  
16 correctional institution who is being treated in an alcoholic treatment program  
17 within the institution.

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

19 51.61 (1) (intro.) In this section, “patient” means any individual who is  
20 receiving services for mental illness, developmental disabilities, alcoholism or drug  
21 dependency, including any individual who is admitted to a treatment facility in  
22 accordance with this chapter or ch. 48 or 55 or who is detained, committed or placed  
23 under this chapter or ch. 48, 55, 971, 975 or 980, or who is transferred to a treatment  
24 facility under s. 51.35 (3) or 51.37 or who is receiving care or treatment for those  
25 conditions through the department or a county department under s. 51.42 or 51.437

1 or in a private treatment facility. “Patient” does not include persons committed  
2 under ch. 975 who are transferred to or residing in ~~any state a~~ prison listed under  
3 ~~s. 302.01~~. In private hospitals and in public general hospitals, “patient” includes any  
4 individual who is admitted for the primary purpose of treatment of mental illness,  
5 developmental disability, alcoholism or drug abuse but does not include an  
6 individual who receives treatment in a hospital emergency room nor an individual  
7 who receives treatment on an outpatient basis at those hospitals, unless the  
8 individual is otherwise covered under this subsection. Except as provided in sub. (2),  
9 each patient shall:

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

11 51.61 (1) (b) 3. Payment to a patient performing labor under this section shall  
12 not be applied to costs of treatment without the informed, written consent of such  
13 patient. This paragraph does not apply to individuals serving a criminal sentence  
14 who are transferred from a ~~state correctional institution~~ prison under s. 51.37 (5) to  
15 a treatment facility.

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

17 51.75 (9) (a) No provision of this compact except sub. (5) applies to any person  
18 institutionalized while under sentence in a ~~penal or~~ correctional institution or while  
19 subject to trial on a criminal charge, or whose institutionalization is due to the  
20 commission of an offense for which, in the absence of mental illness or mental  
21 deficiency, said person would be subject to incarceration in a ~~penal or~~ correctional  
22 institution.

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

24 **59.24 Clerks of counties containing state institutions to make claims**  
25 **in certain cases.** The clerk of any county which is entitled to reimbursement under



1 s. 16.51 (7) shall make a certified claim against the state, without direction from the  
2 board, in all cases where the reimbursement is directed in s. 16.51 (7), upon forms  
3 prescribed by the department of administration. The forms shall contain  
4 information required by the clerk and shall be filed annually with the department  
5 of corrections on or before June 1. If the claims are approved by the department of  
6 corrections, they shall be certified to the department of administration and paid from  
7 the appropriation made by s. 20.410 (1) (c), if the claim is for reimbursement of  
8 expenses involving a prisoner in a state prison ~~named in s. 302.01~~, or from the  
9 appropriation under s. 20.410 (3) (c), if the claim is for reimbursement of expenses  
10 involving a juvenile in a secured correctional facility, as defined in s. 938.02 (15m).

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

12 59.52 (16) (a) *Institutions, state farms, airports.* Appropriate each year to any  
13 municipality and school district in which a county farm, hospital, charitable or ~~penal~~  
14 correctional institution or state hospital, charitable or ~~penal~~ correctional institution  
15 or state-owned lands used for agricultural purposes or county or municipally owned  
16 airport is located, an amount of money equal to the amount which would have been  
17 paid in municipal and school tax upon the lands without buildings, if those lands  
18 were privately owned. The valuation of the lands, without buildings, and  
19 computation of the tax shall be made by the board. In making the computation under  
20 this paragraph, lands on which a courthouse or jail are located and unimproved  
21 county lands shall not be included.

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

23 59.53 (16) (a) In counties having a population of 30,000 or more the board may  
24 erect, establish and maintain isolation hospitals or places for the care and treatment  
25 of all persons afflicted with infectious, contagious and communicable diseases,

1 requiring isolation and quarantine under the laws of the state, who are inmates of  
2 the charitable, ~~penal~~, correctional and other institutions of said county or who are  
3 required to be cared for and treated at the expense of said county. The board may  
4 also provide for the care and treatment therein of all persons so afflicted, who are  
5 required to be cared for by the various municipalities in said counties, under such  
6 terms, conditions, rules and regulations, as to apportionment of cost of erection of  
7 such buildings and places and the expense of care and treatment of such persons  
8 afflicted, as may be agreed upon between the county board and the common council  
9 of such cities and the boards of such villages and towns, and each such council or  
10 board is hereby vested with power and authority to enter into such contracts and to  
11 appropriate such funds as may be necessary to carry into execution all contracts so  
12 made.

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

14 66.04 (1) BONUS TO STATE INSTITUTION. No appropriation or bonus of any kind,  
15 except for a donation, may be made by any town, village, or city, nor any municipal  
16 liability created nor tax levied, as a consideration or inducement to the state to locate  
17 any public educational, charitable, reformatory, or ~~penal~~ correctional institution.

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

19 71.54 (2) (c) 2. In addition to property taxes accrued or rent constituting  
20 property taxes accrued under subd. 1., if the claimant moves from a homestead  
21 owned by the claimant to housing that is exempt from taxation under ch. 70, other  
22 than housing for which payments in lieu of taxes are made under s. 66.40 (22) and  
23 other than a correctional institution or detention facility, a claim may be allowed  
24 based on property taxes accrued on that former homestead for the length of time, up  
25 to the first 12 months, that the claimant resides in the tax-exempt housing and owns

1 the former homestead, if the claimant has attempted to sell the former homestead  
2 but has not rented it out or leased it out.

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

4 71.64 (8) (c) The department of corrections is not required to withhold under  
5 sub. (1) from wages paid to an inmate working in a prison listed in s. 302.01, and if  
6 the inmate's wages do not exceed \$2,000 per year the department of corrections is not  
7 required under s. 71.65 (3) to file reports relating to those wages.

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

9 77.996 (2) (f) Facilities that are located at a ~~prison or other penal~~ correctional  
10 institution.

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

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

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

1           101.12 (5) (a) 2. b. As a jail, correctional facility institution or other secure  
2 facility for persons in detention;

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

4           101.123 (1) (dm) “Prison” ~~means a prison described in s. 302.01, except it does~~  
5 not include the correctional institution under s. 301.046 (1), if the institution is the  
6 prisoner’s place of residence ~~and does not include, or~~ a Type 2 prison, as defined in  
7 s. 301.01 (6).

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

9           102.475 (8) (a) “Correctional officer” means any person employed by the state  
10 or any political subdivision as a guard or officer whose principal duties are  
11 supervision and discipline of inmates at a ~~penal~~ correctional institution, ~~prison, jail,~~  
12 ~~house of correction or other place of penal detention.~~

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

14           106.215 (8g) (b) If the department of corrections is a sponsor of a project that  
15 is approved under this subsection, the corps members on the project shall be  
16 prisoners in state a prison, probationers, parolees or persons on extended  
17 supervision and the members of the project shall receive applicable alcohol or other  
18 drug abuse treatment and educational programming services for a portion of each  
19 work week, but not to exceed 8 hours per work week.

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

21           108.02 (15) (g) 3. By an inmate of a custodial or ~~penal~~ correctional institution.

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

23           108.07 (8) (b) If a claimant is a prisoner of a state prison, ~~as defined in s. 302.01,~~  
24 and has employment with an employer other than the department of corrections or  
25 a private business leasing space within a state prison under s. 303.01 (2) (em), and

1 the claimant's employment terminates because conditions of incarceration or  
2 supervision make it impossible to continue the employment, the department shall  
3 charge to the fund's balancing account any benefits based on the terminated  
4 employment that are otherwise chargeable to the account of an employer that is  
5 subject to the contribution requirements under ss. 108.17 and 108.18.

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

7 115.31 (1) (b) "Educational agency" means a school district, cooperative  
8 educational service agency, ~~state correctional institution under s. 302.01~~ prison,  
9 secured correctional facility, as defined in s. 938.02 (15m), secured child caring  
10 institution, as defined in s. 938.02 (15g), the Wisconsin school for the visually  
11 handicapped, the Wisconsin school for the deaf, the Mendota mental health institute,  
12 the Winnebago mental health institute, a state center for the developmentally  
13 disabled, a private school or a private, nonprofit, nonsectarian agency under contract  
14 with a school board under s. 118.153 (3) (c).

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

16 115.76 (10) "Local educational agency", except as otherwise provided, means  
17 the school district in which the child with a disability resides, the department of  
18 health and family services if the child with a disability resides in an institution or  
19 facility operated by the department of health and family services, or the department  
20 of corrections if the child with a disability resides in a Type 1 secured correctional  
21 facility, as defined in s. 938.02 (19), ~~or a Type 1 prison, as defined in s. 301.01 (5), or~~  
22 a private prison operating under a contract under s. 301.21 (3).

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

24 115.762 (4) LIMITATION. Nothing in this subchapter requires that special  
25 education and related services be provided to a child with a disability who is at least

1 18 years old but not yet 22 years old and who, in the child's educational placement  
2 before his or her incarceration in a ~~state~~ prison, was not identified as a child with a  
3 disability or for whom an individualized education program was not developed.

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

5 115.787 (6) CHILDREN WITH DISABILITIES IN ~~STATE~~ PRISONS. (a) 1. The  
6 requirements relating to participation of children with disabilities in general  
7 assessments under sub. (2) (e) do not apply to a child with a disability who is  
8 convicted of a crime under state law and incarcerated in a ~~state~~ prison.

9 2. The requirements relating to transition planning and transition services  
10 under sub. (2) (g) 1. and 2. do not apply with respect to a child with a disability who  
11 is convicted of a crime under state law and incarcerated in a ~~state~~ prison and whose  
12 eligibility under this subchapter will end, because of his or her age, before he or she  
13 will be released from prison.

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

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

21 115.81 (1) (b) "Responsible local educational agency" means the local  
22 educational agency that was responsible for providing a free, appropriate public  
23 education to the child before the placement of the child in a child caring institution,  
24 except that if the child resided in an institution or facility operated by the  
25 department of health and family services, a Type 1 secured correctional facility, as

1 defined in s. 938.02 (19), ~~or~~ a Type 1 prison, as defined in s. 301.01 (5), or a private  
2 prison operating under a contract under s. 301.21 (3) before the placement of the  
3 child in a child caring institution, “responsible local educational agency” means the  
4 school district in which the child caring institution is located.

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

6 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall  
7 transfer to another school or school district all pupil records relating to a specific  
8 pupil if the transferring school district has received written notice from the pupil if  
9 he or she is an adult or his or her parent or guardian if the pupil is a minor that the  
10 pupil intends to enroll in the other school or school district or written notice from the  
11 other school or school district that the pupil has enrolled or from a court that the pupil  
12 has been placed in a juvenile correctional ~~facility~~ institution or a secured child caring  
13 institution, as defined in s. 938.02 (15g). In this subsection, “school” and “school  
14 district” include any juvenile correctional ~~facility~~ institution, secured child caring  
15 institution as defined in s. 938.02 (15g), adult correctional institution, mental health  
16 institute or center for the developmentally disabled, that provides an educational  
17 program for its residents instead of or in addition to that which is provided by public  
18 and private schools.

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

20 118.16 (4) (cm) 1. The school board may establish policies which provide that  
21 a pupil of an age eligible for high school enrollment in the school district, as  
22 determined by the school board, may be assigned to a period of assessment as a  
23 consequence of the pupil’s truancy or upon the pupil’s return to school from  
24 placement in a correctional ~~facility~~ institution, mental health treatment facility,  
25 alcohol and other drug abuse treatment facility or other out-of-school placement.

1 The policies shall specify the conditions under which a pupil may participate in the  
2 assessment without being in violation of s. 118.15 and the maximum length of time  
3 that a pupil may be assigned to an assessment period.

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

5 120.18 (1) (a) (intro.) The school count, showing the numbers and ages of  
6 persons who are at least 4 years old but not yet 14 years old and who reside in a school  
7 district operating only elementary grades, showing the number and ages of persons  
8 between the ages of 14 and 20 residing in a union high school district and showing  
9 the number and ages of persons between the ages of 4 and 20 residing in any other  
10 school district. Children cared for at a charitable or ~~penal~~ correctional institution of  
11 this state may not be included in the report. The school district clerk may employ  
12 a competent person to take the schoolcount. The count may be determined by using  
13 any of the following methods:

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

15 121.79 (1) (b) For pupils whose parents or guardians are employed at and  
16 reside on the grounds of a state or federal military camp, federal veteran hospital or  
17 state charitable or ~~penal~~ correctional institution.

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

19 132.13 (1) (a) All goods, wares, and merchandise made wholly or in part by  
20 convict labor in any ~~penitentiary~~, prison, reformatory or other establishment in  
21 which convict labor is employed, except convicts or prisoners on parole, extended  
22 supervision or probation, shall before being exposed for sale be branded, labeled,  
23 marked or tagged as herein provided and shall not be exposed for sale or sold in this  
24 state without such brand, label, mark or tag. Such brand, label, mark or tag shall  
25 contain at the head or top thereof the words “convict-made” followed by the name of



1 the ~~penitentiary~~, prison, reformatory or other establishment in which it was made  
2 in plain English lettering of the style and size known as eighteen point Cheltenham  
3 bold type capitals. The brand or mark shall in all cases where the nature of the  
4 articles will permit be placed on each individual article or part of such article that  
5 is sold, and only where such branding or marking is impossible shall a label or tag  
6 be used and where a label is used it shall be securely pasted onto each such article  
7 and when a tag is used it shall be a paper tag securely fastened to such article or part  
8 of article sold. In addition to the marking of each article or part of article sold a  
9 similar brand, mark, label or tag shall be placed upon the outside or upon its box,  
10 crate, or other covering. All brands, labels, marks, and tags shall be placed on a  
11 conspicuous part of such article or part of article and its container.

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

13 139.40 (2) If cigarettes which do not bear the proper tax stamps or on which  
14 the tax has not been paid are so seized they may be given to law enforcement officers  
15 to use in criminal investigations or sold to qualified buyers by the secretary, without  
16 notice. If the cigarettes are sold, after deducting the costs of the sale and the keeping  
17 of the property, the proceeds of the sale shall be paid into the state treasury. If the  
18 secretary finds that such cigarettes may deteriorate or become unfit for use in  
19 criminal investigations or for sale or that those uses would otherwise be impractical,  
20 the secretary may order them destroyed or give them to a charitable or ~~penal~~  
21 correctional institution for free distribution to patients or inmates.

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

23 157.02 (1) NOTICE TO RELATIVES. When an inmate of any state, county or  
24 municipal institution or any private prison operating under a contract under s.  
25 302.21 (3) dies, the superintendent or other person in charge of the institution or

1 private prison shall immediately notify a relative of the decedent. A public officer  
2 having the possession or the disposition of a corpse shall immediately notify a  
3 relative of the decedent. If no relative is known, or discoverable by use of ordinary  
4 diligence, notice may be dispensed with. In addition, if the deceased had been an  
5 inmate of a state correctional institution, ~~including a private prison,~~ the department  
6 of corrections shall provide written notification to the relative informing him or her  
7 that the department of corrections, upon request, will provide a copy of any autopsy  
8 report or other report or information pertaining to the death. The department of  
9 corrections shall describe how the request may be made and shall promptly comply  
10 with any such request.

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

12 165.755 (6) If an inmate in a state prison or a person sentenced to a the  
13 Wisconsin state ~~prison~~ prisons has not paid the crime laboratories and drug law  
14 enforcement assessment under sub. (1) (a), the department shall assess and collect  
15 the amount owed from the inmate's wages or other moneys. Any amount collected  
16 shall be transmitted to the state treasurer.

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

18 165.84 (4) All persons in charge of state ~~penal and~~ correctional institutions  
19 shall obtain fingerprints, according to the fingerprint system of identification  
20 established by the director of the F.B.I., and full face and profile photographs of all  
21 persons received on commitment to these institutions. The prints and photographs  
22 so taken shall be forwarded to the department, together with any other identifying  
23 data requested, within 10 days after the arrival at the institution of the person  
24 committed. Full length photographs in release dress shall be taken immediately  
25 prior to the release of these persons from these institutions or from a private prison

1 operating under a contract under s. 301.21 (3). Immediately after release, these  
2 photographs shall be forwarded to the department.

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

4 165.84 (5) All persons in charge of law enforcement and tribal law enforcement  
5 agencies, all clerks of court, all municipal judges where they have no clerks, all  
6 persons in charge of state and county ~~penal and~~ correctional institutions, and all  
7 persons in charge of state and county probation, extended supervision and parole  
8 offices, shall supply the department with the information described in s. 165.83 (2)  
9 (f) on the basis of the forms and instructions to be supplied by the department under  
10 s. 165.83 (2) (g).

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

12 165.84 (6) All persons in charge of law enforcement and tribal law enforcement  
13 agencies in this state shall furnish the department with any other identifying data  
14 required in accordance with guidelines established by the department. All law  
15 enforcement and tribal law enforcement agencies and ~~penal and~~ correctional  
16 institutions in this state having criminal identification files shall cooperate in  
17 providing to the department copies of such items in these files as will aid in  
18 establishing the nucleus of the state criminal identification file.

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

20 230.36 (1) If a conservation warden, conservation patrol boat captain,  
21 conservation patrol boat engineer, state forest ranger, conservation field employe of  
22 the department of natural resources who is subject to call for fire control duty,  
23 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax  
24 investigator employed by the department of revenue, special criminal investigation  
25 agent employed by the department of justice, special tax agent, state drivers' license

1 examiner, state fair park police officer, University of Wisconsin System police officer  
2 and other state facilities police officer and patrol officer, security officer, watcher,  
3 engineer, engineering aide, building construction superintendent, fire fighter  
4 employed at the Wisconsin Veterans Home, or guard or institutional aide or a state  
5 probation, extended supervision and parole officer or any other employe whose  
6 duties include supervision and discipline of inmates or wards of the state at a state  
7 ~~penal~~ correctional institution, including a secured correctional facility, as defined in  
8 s. 938.02 (15m), or while on parole supervision or extended supervision outside of the  
9 confines of the institutions, or supervision of persons placed on probation by a court  
10 of record, or supervision and care of patients at a state mental institution, and the  
11 University of Wisconsin Hospitals and Clinics suffers injury while in the  
12 performance of his or her duties, as defined in subs. (2) and (3); or any other state  
13 employe who is not listed in this subsection and who is ordered by his or her  
14 appointing authority to accompany any employe listed in this subsection while the  
15 listed employe is engaged in the duties defined in sub. (3), or any other state employe  
16 who is not listed in this subsection and who is ordered by his or her appointing  
17 authority to perform the duties, when permitted, in lieu of the listed employe and  
18 while so engaged in the duties defined in sub. (3), suffers injury as defined in sub.  
19 (2) the employe shall continue to be fully paid by the employing agency upon the same  
20 basis as paid prior to the injury, with no reduction in sick leave credits, compensatory  
21 time for overtime accumulations or vacation and no reduction in the rate of earning  
22 sick leave credit or vacation. The full pay shall continue while the employe is unable  
23 to return to work as the result of the injury or until the termination of his or her  
24 employment upon recommendation of the appointing authority. At any time during  
25 the employe's period of disability the appointing authority may order physical or

1 medical examinations to determine the degree of disability at the expense of the  
2 employing agency.

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

4 230.36 (3) (c) (intro.) A guard, institution aide, or other employe at the  
5 University of Wisconsin Hospitals and Clinics or at a state ~~penal~~ correctional or  
6 mental institution, including a secured correctional facility, as defined in s. 938.02  
7 (15m), and a state probation, extended supervision and parole officer, at all times  
8 while:

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

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

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

18 252.02 (4) The department may promulgate and enforce rules or issue orders  
19 for guarding against the introduction of any communicable disease into the state, for  
20 the control and suppression of communicable diseases, for the quarantine and  
21 disinfection of persons, localities and things infected or suspected of being infected  
22 by a communicable disease and for the sanitary care of jails, ~~state~~ prisons, mental  
23 health institutions, schools, hotels and public buildings and connected premises.  
24 Any rule or order may be made applicable to the whole or any specified part of the  
25 state, or to any vessel or other conveyance. The department may issue orders for any

1 city, village or county by service upon the local health officer. Rules that are  
2 promulgated and orders that are issued under this subsection supersede conflicting  
3 or less stringent local regulations, orders or ordinances.

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

5 252.02 (5) If any public officer or employe or any person in charge of any  
6 building, vessel, conveyance, jail, ~~state~~ prison, mental health institution or school  
7 fails to comply with a rule promulgated or order issued under sub. (4), the  
8 department may appoint an agent to execute its rules or orders. Expenses that an  
9 agent incurs shall be paid by the unit of government that employs the person or of  
10 which the public officer is a member. If the building, vessel, conveyance, prison,  
11 mental health institution or school is privately owned the state shall pay the  
12 expenses that the agent incurs.

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

14 252.06 (6) (b) When a person confined in a jail, ~~state~~ prison, mental health  
15 institute or other public place of detention has a disease which the local health officer  
16 or the director of health at the institution deems dangerous to the health of other  
17 residents or the neighborhood, the local health officer or the director of health at the  
18 institution shall order in writing the removal of the person to a hospital or other place  
19 of safety, there to be provided for and securely kept. Upon recovery the person shall  
20 be returned; and if the person was committed by a court or under process the removal  
21 order or a copy shall be returned by the local health officer to the committing court  
22 officer.

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

1           252.08 (4) (a) Care of patients transferred to facilities approved under this  
2 section from state institutions or from state ~~penal~~ correctional institutions under s.  
3 304.115.

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

6           252.14 (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 87.** 252.14 (1) (ad) 2. of the statutes is created to read:

10          252.14 (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 88.** 252.15 (1) (ad) of the statutes is renumbered 252.15 (1) (ad) (intro.)  
14 and amended to read:

15          252.15 (1) (ad) (intro.) “Correctional officer” ~~has the meaning given~~ means any  
16 of the following:

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

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

19          252.15 (1) (ad) 2. A person employed by a private prison operating under a  
20 contract under s. 302.21 (3) whose principal duty is the supervision of inmates at the  
21 private prison.

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

23          292.65 (1) (d) 6. A facility that is located at a prison or other ~~penal~~ correctional  
24 institution.

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

1           301.01 (2g) “Private prison” means a private prison operating under a contract  
2 under s. 301.21 (3).

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

4           301.03 (2r) Conduct drug testing of prospective parolees or persons to be placed  
5 on extended supervision who have undergone treatment while in state prison.

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

7           301.03 (9) Supervise all persons placed under s. 48.366 (8) or 938.183 in a state  
8 prison.

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

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

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

24          301.048 (4) (b) The department shall operate the program as a correctional  
25 institution. The secretary may allocate and reallocate existing and future facilities



1 as part of the institution. The institution is subject to s. 301.02 and is a state prison  
2 ~~as defined in~~ under s. 302.01. Construction or establishment of the institution shall  
3 be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the  
4 exemptions under s. 13.48 (13), construction or establishment of facilities for the  
5 institution are not subject to the ordinances or regulations relating to zoning,  
6 including zoning under ch. 91, of the county and municipality in which the  
7 construction or establishment takes place and are exempt from inspections required  
8 under s. 301.36.

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

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

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

21 301.12 (2m) The liability specified in sub. (2) shall not apply to persons 17 and  
22 older receiving care, maintenance, services and supplies provided by ~~prisons named~~  
23 ~~in s. 302.01~~ a prison.

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

1           **301.13 Minimum security correctional institutions.** The department  
2 may establish and operate minimum security correctional institutions. The  
3 secretary may allocate and reallocate existing and future facilities as part of these  
4 institutions. The institutions are subject to s. 301.02 and are state prisons as defined  
5 in s. 302.01. Inmates ~~from Wisconsin state~~ sentenced to the Wisconsin state prisons  
6 may be transferred to these institutions ~~and they shall be~~ as provided under s.  
7 302.18. Inmates transferred to the institutions under this section are subject to all  
8 laws pertaining to inmates of other penal institutions of the state prisons under s.  
9 302.01. Officers and employes of the institutions shall be subject to the same laws  
10 as pertain to other ~~penal institutions~~ state prisons under s. 302.01. Inmates shall  
11 not be received on direct commitment from the courts. In addition to the exemptions  
12 under s. 13.48 (13), construction or establishment of facilities at institutions which  
13 are community correctional residential centers initially established prior to July 2,  
14 1983, shall not be subject to the ordinances or regulations relating to zoning,  
15 including zoning under ch. 91, of the county and municipality in which the  
16 construction or establishment takes place. The department shall establish a  
17 procedure for soliciting responses from interested communities and persons  
18 regarding potential sites for the institutions under this section, except the procedure  
19 does not apply to the 125-bed community correctional center in the city of Waupun.  
20 The department shall consider locations proposed under this procedure and may  
21 consider any other locations on its own initiative. The department need not  
22 promulgate rules regarding the site consideration procedures under this section.

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

24           **301.14 State-local shared correctional facilities.** In cooperation with any  
25 county or group of counties, the department may contract for the establishment and

1 operation of state–local shared correctional facilities under s. 302.45. Except as  
2 provided in s. 302.45 (4), the secretary may allocate and reallocate existing and  
3 future facilities as state–local shared correctional facilities. The shared facilities  
4 ~~shall be~~ are institutions under s. 301.02 and ~~shall be~~ are state prisons under s.  
5 302.01. Inmates ~~from~~ sentenced to the Wisconsin state prisons may be transferred  
6 to these facilities ~~and, except as provided under s. 302.18. Except~~ as to any separate  
7 rules established in the contract governing a shared facility, ~~shall be~~ inmates  
8 transferred to shared facilities under this section are subject to all laws pertaining  
9 to inmates of other ~~penal institutions of this state~~ prisons under s. 302.01. Officers  
10 and employes of the facilities shall be subject to the same laws as pertain to other  
11 ~~penal institutions~~ state prisons under s. 302.01. Inmates may not be received on  
12 direct commitment from the courts.

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

14 **301.15 Medium security prison.** The department may construct a medium  
15 security prison to be known as the Fox Lake correctional institution on state–owned  
16 land known as prison farm 10 in Dodge county. Inmates ~~from~~ sentenced to the  
17 Wisconsin state prisons may be transferred to this institution ~~and they shall be~~ as  
18 provided under s. 302.18. Inmates transferred to the institution under this section  
19 are subject to all laws pertaining to inmates of other ~~penal institutions of this state~~  
20 prisons under s. 302.01. Officers and employes of the institutions shall be subject to  
21 the same laws as pertain to other ~~penal institutions~~ state prisons under s. 302.01.  
22 Inmates shall not be received on direct commitment from the courts.

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

24 301.16 (1r) In addition to the institutions under sub. (1), the department shall  
25 establish a medium security correctional institution for persons 15 years of age or

1 over, but not more than 21 years of age, who have been placed in a state prison under  
2 s. 302.01. The medium security correctional institution under this subsection shall  
3 be known as the Racine Youthful Offender Correctional Facility and shall be located  
4 at the intersection of Albert Street and North Memorial Drive in the city of Racine.  
5 The department shall limit the number of prisoners who may be placed at the Racine  
6 Youthful Offender Correctional Facility to no more than 400 at any one time.

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

8 301.16 (1x) Inmates ~~from~~ sentenced to the Wisconsin state prisons may be  
9 transferred to the institutions under this section ~~and they shall be.~~ Inmates  
10 transferred to institutions under this section are subject to all laws pertaining to  
11 inmates of other ~~penal institutions of~~ prisons in this state. Officers and employes of  
12 the institutions shall be subject to the same laws as pertain to other ~~penal~~  
13 correctional institutions. Inmates shall not be received on direct commitment from  
14 the courts.

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

16 **301.21 (title) Contracts for the transfer and confinement of Wisconsin**  
17 **prisoners in other states.**

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

19 301.21 (1m) (title) CONTRACTS WITH OTHER STATES OR POLITICAL SUBDIVISIONS OF  
20 OTHER STATES.

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

22 301.21 (1m) (b) ~~Inmates from~~ While in an institution in another state pursuant  
23 to a contract under this subsection, Wisconsin state prisons ~~while in an institution~~  
24 ~~in another state~~ prisoners are subject to all provisions of law and regulation  
25 concerning the confinement of persons committed for violations of the laws of that

1 state, except as otherwise provided for by any contract entered into under this  
2 subsection.

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

4 301.21 **(2m)** (title) CONTRACTS WITH PRIVATE PERSONS FOR CONFINEMENT IN  
5 ANOTHER STATE.

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

7 301.21 **(3)** CONTRACTS WITH PRIVATE PERSONS FOR CONFINEMENT IN THIS STATE. (a)

8 The department may enter into one or more contracts with a private person for the  
9 transfer and confinement in this state of prisoners who have been committed to the  
10 custody of the department.

11 (b) Prisoners who are confined in a private prison under a contract under this  
12 subsection are subject to all laws pertaining to inmates of state prisons under s.  
13 302.01.

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

16 1. A termination date.

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

21 3. Provisions concerning any participation in programs of prisoner  
22 employment, if any, the disposition or crediting of any payments received by  
23 prisoners on account of employment, and the crediting of proceeds from or disposal  
24 of any products resulting from employment.

25 4. Delivery and retaking of prisoners.

1           5. Procedures requiring the private person with which the department is  
2           contracting to make regular reports concerning prisoners confined under the  
3           contract.

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

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

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

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

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

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

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

21           301.21 (6) (title) APPROVAL REQUIRED.

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

23           301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall  
24          transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations  
25          under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile

1 correctional institutions, secured child caring institutions, as defined in s. 938.02  
2 (15g), alternate care providers, aftercare supervision providers and corrective  
3 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the  
4 care of any juvenile 14 years of age or over who has been placed in a juvenile  
5 correctional ~~facility~~ institution based on a delinquent act that is a violation of s.  
6 939.31, 939.32 (1) (a), 940.03, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4.,  
7 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30 (2),  
8 948.35 (1) (b) or 948.36 and for the care of any juvenile 10 years of age or over who  
9 has been placed in a juvenile correctional institution or a secured child caring  
10 institution for attempting or committing a violation of s. 940.01 or for committing a  
11 violation of s. 940.02 or 940.05.

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

13 301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) and (bm), the department shall  
14 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations  
15 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile  
16 correctional institutions, secured child caring institutions, as defined in s. 938.02  
17 (15g), alternate care providers, aftercare supervision providers and corrective  
18 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the  
19 care of any juvenile 14 years of age or over and under 18 years of age who has been  
20 placed in a juvenile correctional ~~facility~~ institution under s. 48.366 based on a  
21 delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

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

23 301.28 (1) In this section, “correctional officer” means any person classified as  
24 a correctional officer employed by the state whose principal duty is the supervision  
25 of inmates at a state prison, ~~as defined in~~ under s. 302.01.

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

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

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

10           301.29 (3) The department shall investigate complaints against any  
11 institution under its jurisdiction, including a private prison, or against the officers  
12 or employes of the institutions. For that purpose, the secretary and such officers and  
13 employes as the secretary authorizes may summon and swear witnesses, take  
14 testimony and compel the production of books and papers. On its own initiative, the  
15 department may investigate the affairs of any institution. Any written  
16 communication or complaint addressed to the secretary by any inmate, employe or  
17 subordinate of an institution shall be immediately forwarded unopened to the  
18 addressee.

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

20           301.32 (1) **PROPERTY DELIVERED TO WARDEN OR SUPERINTENDENT; CREDIT AND DEBIT.**  
21 All money and other property delivered to an employe of any state correctional  
22 institution or private prison for the benefit of a prisoner or resident shall be delivered  
23 to the warden or superintendent, who shall enter the property upon his or her  
24 accounts to the credit of the prisoner or resident. The property may be used only  
25 under the direction and with the approval of the superintendent or warden and for



1 the crime victim and witness assistance surcharge under s. 973.045 (4), the  
2 delinquency victim and witness assistance surcharge under s. 938.34 (8d) (c), the  
3 deoxyribonucleic acid analysis surcharge under s. 973.046 or the benefit of the  
4 prisoner or resident. If the money remains uncalled for for one year after the  
5 prisoner's or resident's death or departure from the state correctional institution or  
6 private prison, the superintendent shall deposit it in the general fund. If any  
7 prisoner or resident leaves property, other than money, uncalled for at a state  
8 correctional institution or private prison for one year, the superintendent shall sell  
9 the property and remit the proceeds to the department for deposit the proceeds in the  
10 general fund, donate the property to a public agency or private, nonprofit  
11 organization or destroy the property. If any person satisfies the department, within  
12 5 years after the deposit, of his or her right to the deposit, the department shall direct  
13 the department of administration to draw its warrant in favor of the claimant and  
14 it shall charge the same to the appropriation made by s. 20.913 (3) (bm).

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

16 301.33 (1) Subject to reasonable exercise of the privilege, members of the clergy  
17 of all religious faiths shall have an opportunity, at least once each week, to conduct  
18 religious services within the state correctional institutions and within a private  
19 prison. Attendance at the services is voluntary.

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

21 301.36 (1) GENERAL AUTHORITY. The department shall investigate and  
22 supervise all of the state correctional institutions and all secure detention facilities  
23 and shall investigate all private prisons. The department shall familiarize itself  
24 with all of the circumstances affecting ~~their~~ the management and usefulness of the  
25 institutions, facilities and private prisons it investigates under this subsection.

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

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

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

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

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

9           **302.01 State prisons named and defined listed.** The ~~penitentiary~~  
10 institution at Waupun is named “Waupun Correctional Institution”. The  
11 correctional treatment center at Waupun is named “Dodge Correctional Institution”.  
12 The ~~penitentiary~~ institution at Green Bay is named “Green Bay Correctional  
13 Institution”. The medium/maximum ~~penitentiary~~ institution at Portage is named  
14 “Columbia Correctional Institution”. The medium security institution at Oshkosh  
15 is named “Oshkosh Correctional Institution”. The medium security ~~penitentiary~~  
16 institution near Fox Lake is named “Fox Lake Correctional Institution”. The  
17 ~~penitentiary~~ institution at Taycheedah is named “Taycheedah Correctional  
18 Institution”. The medium security ~~penitentiary~~ institution at Plymouth is named  
19 “Kettle Moraine Correctional Institution”. The ~~penitentiary~~ institution at the  
20 village of Sturtevant in Racine county is named “Racine Correctional Institution”.  
21 The medium security ~~penitentiary~~ institution at Racine is named “Racine Youthful  
22 Offender Correctional Facility”. The resource facility at Oshkosh is named  
23 “Wisconsin Resource Center”. The institutions named in this section, the  
24 correctional institution authorized under s. 301.16 (1n), correctional institution  
25 authorized under 1997 Wisconsin Act 4, section 4 (1) (a), correctional institution

1 authorized under s. 301.046 (1), correctional institution authorized under s. 301.048  
2 (4) (b), minimum security correctional institutions authorized under s. 301.13, and  
3 state–local shared correctional facilities when established under s. 301.14, are state  
4 prisons.

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

6 **302.02 (title) Jurisdiction and extent of state correctional institutions**  
7 **and private prisons; service of process therein.**

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

9 302.02 (3t) INSTITUTIONS LOCATED IN OTHER STATES; PRIVATE PRISONS. For all  
10 purposes of discipline and for judicial proceedings, each institution that is located in  
11 ~~another state and~~ authorized for use under s. 301.21 and the precincts of the  
12 institution shall be deemed to be in a county in which the institution is physically  
13 located, and the courts of that county shall have jurisdiction of any activity, wherever  
14 located, conducted by the institution.

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

16 302.02 (5) (a) Service of process may be made on the warden or superintendent  
17 of any a prison named in s. 302.01 as upon any other resident of this state.

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

19 302.02 (5) (b) Except as provided in par. (a), service of process within ~~any such~~  
20 a prison on any officer or employe or inmate thereof shall be made by the warden or  
21 superintendent or some person appointed by the warden or superintendent to serve  
22 process.

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

24 **302.04 (title) Duties of warden and superintendents of state prisons.**

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

1           302.05 (1) (intro.) The department of corrections and the department of health  
2 and family services may designate a section of a mental health institute as a  
3 correctional treatment facility for the treatment of substance abuse of inmates  
4 transferred from ~~Wisconsin state prisons~~ a prison. This section shall be  
5 administered by the department of corrections and shall be known as the Wisconsin  
6 substance abuse program. The department of corrections and the department of  
7 health and family services shall ensure that the residents at the institution and the  
8 residents in the substance abuse program:

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

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

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

22           **302.07 Maintenance of order.** The warden or superintendent of a prison  
23 shall maintain order, enforce obedience, suppress riots and prevent escapes. For  
24 such purposes the warden or superintendent may command the aid of the officers of  
25 the institution and of persons outside of the prison; and any person who fails to obey

1 such command shall be punished by imprisonment in the county jail not more than  
2 one year or by a fine not exceeding \$500. The warden or superintendent may adopt  
3 proper means to capture escaped inmates.

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

5 **302.08 Humane treatment and punishment.** The ~~wardens and the~~  
6 ~~superintendents~~ warden, superintendent and all ~~prison~~ prison officials and employes of a  
7 prison shall uniformly treat the inmates with kindness. There shall be no corporal  
8 or other painful and unusual punishment inflicted upon inmates.

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

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

21 **SECTION 130.** 302.095 (2) of the statutes, as affected by 1997 Wisconsin Acts  
22 283 and 1999 Wisconsin Act ... (this act), is repealed and recreated to read:

23 302.095 (2) Any officer or other person who delivers or procures to be delivered  
24 or has in his or her possession with intent to deliver to any inmate confined in a jail  
25 or prison, or who deposits or conceals in or about a jail or prison, or the precincts of

1 a jail or prison, or in any vehicle going into the premises belonging to a jail or prison,  
2 any article or thing whatever, with intent that any inmate confined in the jail or  
3 prison shall obtain or receive the same, or who receives from any inmate any article  
4 or thing whatever with intent to convey the same out of a jail or prison, contrary to  
5 the rules or regulations and without the knowledge or permission of the sheriff or  
6 other keeper of the jail, in the case of a jail, or of the warden or superintendent of the  
7 prison, in the case of a prison, shall be imprisoned for not more than 3 years or fined  
8 not more than \$500.

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

10 **302.13 Preservation of property an inmate brings to prison.** The  
11 department shall preserve money and effects, except clothes, in the possession of an  
12 inmate when admitted to the ~~prison~~ Wisconsin state prisons and, subject to the crime  
13 victim and witness assistance surcharge under s. 973.045 (4) and the  
14 deoxyribonucleic acid analysis surcharge under s. 973.046, shall restore the money  
15 and effects to the inmate when discharged.

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

17 **302.15 Activities off grounds.** The wardens and superintendents of the state  
18 prisons, ~~and~~ all wardens and superintendents of county prisons, jails, camps and  
19 houses of correction enumerated in ch. 303, and the warden or superintendent of a  
20 private prison may take inmates away from the institution grounds for rehabilitative  
21 and educational activities approved by the department and under such supervision  
22 as the superintendent or warden deems necessary. While away from the institution  
23 grounds an inmate is deemed to be under the care and control of the institution in  
24 which he or she is an inmate and subject to its rules and discipline.

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

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

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

7           302.18 (2) Inmates of a county house of correction may be transferred to a state  
8 prison. If any county discontinues its house of correction, inmates at the time of the  
9 discontinuance may be transferred to ~~the state~~ a prison or to the county jail of the  
10 county as the commitment indicates.

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

12           302.18 (4) With each person transferred to a state prison from another  
13 institution, the warden or superintendent of such other institution shall transmit  
14 the original commitment and the institutional record pertaining to such person.

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

16           302.18 (5) Any person who is legally transferred by the department to a ~~penal~~  
17 correctional institution shall be subject to the same statutes, regulations and  
18 discipline as if the person had been originally sentenced to that institution, but the  
19 transfer shall not change the term of sentence.

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

21           **302.255 Interstate corrections compact; additional applicability.**  
22 “Inmate”, as defined under s. 302.25 (2) (a), includes persons subject to an order  
23 under s. 48.366 who are confined to a ~~state prison under s. 302.01~~ and persons subject  
24 to an order under s. 938.34 (4h) who are 17 years of age or older.

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

**302.26 Corrections compact; contracts with other states; approval.**

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

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

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

The department may contract with local governments for temporary housing or detention in county jails or county houses of correction for persons sentenced to imprisonment in the Wisconsin state prisons or to the intensive sanctions program. The rate under any such contract may not exceed \$60 per person per day. Nothing in this section limits the authority of the department to place persons in jails under s. 301.048 (3) (a) 1.

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

**302.28 Private prisons; limitation.** A private person operating a private

prison in this state may confine in that prison only prisoners transferred to the prison pursuant to a contract under s. 301.21 (3). ~~The private person may not confine~~

~~prisoners from states other than Wisconsin in the private prison.~~

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

**302.31 Use of jails.** The county jail may be used for the detention of persons

charged with crime and committed for trial; for the detention of persons committed to secure their attendance as witnesses; to imprison persons committed pursuant to



1 a sentence or held in custody by the sheriff for any cause authorized by law; for the  
2 detention of persons sentenced to imprisonment in the Wisconsin state penal  
3 ~~institutions~~ prisons or a county house of correction, until they are removed to those  
4 institutions; for the detention of persons participating in the intensive sanctions  
5 program; for the temporary detention of persons in the custody of the department;  
6 and for other detentions authorized by law. The county jail may be used for the  
7 temporary placement of persons in the custody of the department, other than persons  
8 under 17 years of age, and persons who have attained the age of 17 years but have  
9 not attained the age of 25 years who are under the supervision of the department  
10 under s. 48.366 or 938.355 (4) and who have been taken into custody pending  
11 revocation of aftercare supervision under s. 48.366 (5) or 938.357 (5) (e).

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

13 302.33 (1) The maintenance of persons who have been sentenced to the  
14 Wisconsin state penal institutions ~~prisons~~; persons in the custody of the department,  
15 except as provided in sub. (2) and s. 301.048 (7); persons accused of crime and  
16 committed for trial; persons committed for the nonpayment of fines and expenses;  
17 and persons sentenced to imprisonment therein, while in the county jail, shall be  
18 paid out of the county treasury. No claim may be allowed to any sheriff for keeping  
19 or boarding any person in the county jail unless the person was lawfully detained  
20 therein.

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

22 **302.385 Correctional institution health care.** The standards for delivery  
23 of health services in state correctional institutions governed under s. 301.02 and  
24 private prisons shall be based on the standards of any professional organization that

1 establishes standards for health services in prisons and that is recognized by the  
2 department.

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

4 302.386 (1) Except as provided in sub. (5), liability for medical and dental  
5 services furnished to residents housed in ~~prisons identified in s. 302.01~~ a prison or  
6 in a secured correctional facility as defined in s. 938.02 (15m), or in a secured child  
7 caring institution, as defined in s. 938.02 (15g), or to forensic patients in state  
8 institutions for those services which are not provided by employes of the department  
9 shall be limited to the amounts payable under ss. 49.43 to 49.47, except s. 49.468, for  
10 similar services. The department may waive any such limit if it determines that  
11 needed services cannot be obtained for the applicable amount. No provider of  
12 services may bill the resident or patient for the cost of services exceeding the amount  
13 of the liability under this subsection.

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

15 302.386 (2) (intro.) The liability of the state for medical and dental services  
16 under sub. (1) does not extend to that part of the medical or dental services of a  
17 resident housed in a prison ~~identified in s. 302.01~~, a secured correctional facility as  
18 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02  
19 (15g), for which any of the following applies:

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

21 302.386 (3) (a) Except as provided in par. (b), the department may require a  
22 resident housed in a prison ~~identified in s. 302.01~~ or in a secured correctional facility  
23 as defined in s. 938.02 (15m) who earns wages during residency and who receives  
24 medical or dental services to pay a deductible, coinsurance, copayment or similar

1 charge upon the medical or dental service that he or she receives. The department  
2 shall collect the allowable deductible, coinsurance, copayment or similar charge.

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

4 302.45 (1) The department and any county or group of counties may contract  
5 for the cooperative establishment and use of state–local shared correctional  
6 facilities. Inmates sentenced to the Wisconsin state prisons, a county jail, a county  
7 reforestation camp or a county house of correction may be transferred to a shared  
8 facility by the department, sheriff or superintendent, respectively, under the  
9 agreement covering use of the facility. Any inmate confined in a state–local shared  
10 correctional facility shall be deemed to be serving time in the ~~penal~~ correctional  
11 institution to which he or she was sentenced and shall be eligible to earn good time  
12 credit against his or her sentence as provided under ss. 302.11, 302.12~~;~~, 302.43~~;~~,  
13 303.07 and 303.19 for that institution.

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

15 303.06 (1) Except as authorized in this section, no goods, except farm  
16 machinery, farm implements and tools, cordage rope and ply goods, manufactured  
17 wholly or partly by inmates in any state, city or county ~~penal~~ correctional institution  
18 may be offered for sale in the open market.

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

20 303.06 (5) A tax–supported institution or a nonprofit agency may offer for sale  
21 in the open market products manufactured in whole or in part by inmates in a state  
22 ~~penal~~ correctional institution as part of a hobby–craft program or vocational training  
23 if the purpose of the sale is to support the institution’s or agency’s mission or is for  
24 some other charitable purpose and if the sale of that product or type of product has  
25 been approved by the prison industries board under s. 303.015 (1) (e).

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

2           303.065 (1) (a) Except as provided in par. (b), the department may grant work  
3 release privileges to any person incarcerated ~~within the state prisons~~ in a prison.

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

5           303.065 (3) The department shall designate and adapt facilities of the ~~state~~  
6 prisons for the purpose of quartering inmates with work release privileges or it may  
7 arrange and contract for other facilities, including portions of county jails for inmates  
8 employed in the area. An inmate with work release privileges placed in facilities  
9 outside a ~~state~~ prison shall be liable for the cost of the inmate's room, board, clothing  
10 and other necessary expenses incident to the inmate's employment or placement  
11 unless other means of payment are approved by the department. No inmate shall  
12 be granted work release privileges until such suitable quarters have been provided  
13 in the area of accepted or proffered employment, or educational or training  
14 placement.

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

16           303.07 (3) Each prisoner serving a sentence under this section who could have  
17 been sentenced to a ~~the Wisconsin state prison~~ prisons is subject to s. 302.11 (1), (1g),  
18 (1q) and (2). Each prisoner serving such a sentence may be transferred to a ~~state~~  
19 prison upon recommendation of the superintendent and approval of the department.  
20 The county board may, pursuant to its regulations approved by the department,  
21 extend to all other prisoners similar pecuniary earnings and rewards, subject to  
22 similar conditions and limitations as those prescribed by s. 302.12 for prisoners ~~in~~  
23 sentenced to the Wisconsin state prisons.

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

1           303.19 (4) The county board may, pursuant to its regulations approved by the  
2 department, extend to those prisoners similar pecuniary earnings and rewards,  
3 subject to similar conditions and limitations as those prescribed by s. 302.12 for  
4 prisoners in sentenced to the Wisconsin state prisons.

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

6           303.21 (1) (a) If an inmate of a state correctional institution or private prison,  
7 in the performance of assigned work is injured so as to be permanently incapacitated  
8 or to have materially reduced earning power, the inmate may, upon being released  
9 from such institution, either upon release on parole or extended supervision or upon  
10 final discharge, be allowed and paid such compensation as the department of  
11 workforce development finds the inmate entitled to. The inmate shall be  
12 compensated on the same basis as if the injury had been covered by ch. 102, except  
13 that the total paid to any inmate may not exceed \$10,000 and may be paid in  
14 instalments. If the injury results from employment in a prison industry, the payment  
15 shall be made from the revolving appropriation for its operation. If there is no  
16 revolving appropriation, payment shall be made from the general fund. In case of  
17 dispute, the procedure for hearing, award and appeal shall be as set forth in ss.  
18 102.16 to 102.26.

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

20           304.06 (1) (b) Except as provided in sub. (1m) or s. 302.045 (3), 961.49 (2),  
21 973.01 (6) or 973.0135, the parole commission may parole ~~an inmate of a person~~  
22 sentenced to the Wisconsin state prisons or any felon or any person serving at least  
23 one year or more in a county house of correction or a county reforestation camp  
24 organized under s. 303.07, when he or she has served 25% of the sentence imposed  
25 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62

1 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an  
2 inmate serving a life term when he or she has served 20 years, as modified by the  
3 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if  
4 applicable. The person serving the life term shall be given credit for time served prior  
5 to sentencing under s. 973.155, including good time under s. 973.155 (4). The  
6 secretary may grant special action parole releases under s. 304.02. The department  
7 or the parole commission shall not provide any convicted offender or other person  
8 sentenced to the department's custody any parole eligibility or evaluation until the  
9 person has been confined at least 60 days following sentencing.

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

11 304.071 (1) The parole commission may at any time grant a parole to any  
12 prisoner ~~in any penal institution of this~~ servng a sentence to the Wisconsin state  
13 prisons, or the department may at any time suspend the supervision of any person  
14 who is on probation or parole to the department, if the prisoner or person on  
15 probation or parole is eligible for induction into the U.S. armed forces. The  
16 suspension of parole or probation shall be for the duration of his or her service in the  
17 armed forces; and the parole or probation shall again become effective upon his or  
18 her discharge from the armed forces in accordance with regulations prescribed by the  
19 department. If he or she receives an honorable discharge from the armed forces, the  
20 governor may discharge him or her and the discharge has the effect of a pardon.  
21 Upon the suspension of parole or probation by the department, the department shall  
22 issue an order setting forth the conditions under which the parole or probation is  
23 suspended, including instructions as to where and when and to whom the paroled  
24 person shall report upon discharge from the armed forces.

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

1           **304.115 Emergency removal.** When an emergency exists which in the  
2 opinion of the secretary makes it advisable, the secretary may permit the temporary  
3 removal of a convicted person for such period and upon such conditions as the  
4 secretary determines. The secretary may delegate this authority to the deputy ~~and~~,  
5 the wardens and superintendents of the state prisons and the warden or  
6 superintendent of a private prison.

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

8           447.06 (2) (a) 4. For a facility, as defined in s. 50.01 (1m), a hospital, as defined  
9 in s. 50.33 (2), a state or federal prison, county jail or other federal, state, county or  
10 municipal correctional institution or detention facility, or a facility established to  
11 provide care for terminally ill patients.

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

13           **782.03 Petition for writ.** Application for the writ shall be by petition, signed  
14 either by the prisoner or by some person in his or her behalf, and may be made to the  
15 supreme court, the court of appeals or the circuit court of the county, or to any justice  
16 or judge of the supreme court, court of appeals or circuit court or to any court  
17 commissioner, within the county where the prisoner is detained; or if there is no  
18 judge within the county, or for any cause he or she is incapable of acting, or has  
19 refused to grant the writ, then to some judge residing in an adjoining county; but  
20 every application, made by or on behalf of a person sentenced to the Wisconsin state  
21 prisons, must contain a copy of any motion made under s. 974.06 and shall indicate  
22 the disposition of the motion and the court in which the disposition was made. If no  
23 motion was made, the petition shall so state.

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

25           **782.45 (title) Witness fees, inmates of state certain institutions.**

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

2           782.45 (1) If an inmate of any public institution or private prison operating  
3 under a contract under s. 301.21 (3) is brought into court in response to a writ of  
4 habeas corpus or subpoena, the institution or private prison shall be reimbursed for  
5 the time of the officer conducting the inmate and the actual and necessary traveling  
6 expenses incurred in taking the inmate into court on the process and returning the  
7 inmate to the institution or private prison. The superintendent of the institution or  
8 private prison shall file with the clerk of the court a statement of the expenses. The  
9 clerk shall certify the expenses to the county treasurer, who shall pay to the  
10 superintendent of the institution or private prison the amount so certified, but in a  
11 civil action, such expenses shall be paid by the party requesting the presence of the  
12 inmate.

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

14           782.45 (2) In lieu of the procedure under sub. (1) the department of health and  
15 family services and the department of corrections, upon 48 hours' advance notice,  
16 shall release to any sheriff having a suitable jail approved by the department of  
17 corrections for this purpose any prisoner upon presentation of a writ of habeas corpus  
18 to the warden or superintendent of the institution or private prison which is  
19 detaining the inmate. The sheriff shall be informed in advance where the sheriff may  
20 assume custody of the inmate and the sheriff then shall be in charge of the inmate  
21 and be responsible for the inmate's custody. During the time that an inmate is absent  
22 from the state institution or private prison and in the custody of the sheriff the  
23 inmate shall be entitled to credit for time served on the existing sentence and such  
24 credit under s. 302.11 that he or she was eligible to receive while an inmate of the  
25 state institution or private prison. The sheriff shall be responsible for segregating



1 the inmate in the jail from other prisoners and the county shall be liable for all  
2 expenses attendant to his or her detention including medical care. The inmate while  
3 in the custody of the sheriff shall not be permitted to have visitors or to receive mail  
4 except as authorized and approved by the warden or superintendent of the state  
5 institution or private prison which formerly detained the inmate but shall be entitled  
6 to confer with counsel during reasonable hours without restriction. After the court  
7 has determined that the inmate is no longer needed or required, the sheriff shall  
8 promptly return the inmate to the institution or private prison to which detained  
9 prior to the release to the sheriff for appearance in court.

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

11 801.02 (7) (a) 1. “Correctional institution” means any state ~~or~~ local or private  
12 facility that incarcerates or detains any adult accused of, charged with, convicted of,  
13 or sentenced for any crime. A correctional institution includes a Type 1 prison, as  
14 defined in s. 301.01 (5), a Type 2 prison, as defined in s. 301.01 (6), a private prison  
15 operating under a contract under s. 301.21 (3), a county jail and a house of correction.

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

17 813.02 (1) (c) 1. ~~The~~ If the case involves a prisoner in a correctional institution,  
18 as defined in s. 801.02 (7) (a) 1., the court may not issue the injunction until giving  
19 notice and an opportunity to be heard on the request for a preliminary injunction to  
20 all interested parties, including the attorney general, ~~if the case involves a prisoner~~  
21 ~~in a state~~ correctional institution, ~~as defined in s. 801.02 (7) (a) 1.~~ is operated by the  
22 state or is a private prison operating under a contract under s. 301.21 (3), or to the  
23 attorney representing the ~~local~~ correctional institution ~~involved and to all other~~  
24 interested parties, if the correctional institution is operated by a political subdivision

1 of the state. Any injunction issued without giving notice and an opportunity to be  
2 heard is void.

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

4 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.  
5 (1m) or (2) attains the age of 17 years, the department may place the juvenile in a  
6 state prison ~~named in s. 302.01.~~ If a juvenile who is subject to a criminal penalty  
7 under sub. (1m) or (2) is 15 years of age or over, the department may transfer the  
8 juvenile to the Racine youthful offender correctional facility named in s. 302.01 as  
9 provided in s. 938.357 (4) (d). A juvenile who is subject to a criminal penalty under  
10 sub. (1m) or (2) for an act committed before December 31, 1999, is eligible for parole  
11 under s. 304.06.

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

13 938.78 (2) (d) 3. Subject to an order under s. 48.366 or 938.183 and placed in  
14 a state prison under s. 48.366 (8) or 938.183.

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

16 938.992 (3) Notwithstanding s. 938.991 (3) (b), “delinquent juvenile” does not  
17 include a person subject to an order under s. 48.366 who is confined to a state prison  
18 ~~under s. 302.01~~ or a person subject to an order under s. 938.34 (4h) who is 17 years  
19 of age or over.

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

21 939.62 (3) (b) In case of crimes committed in other jurisdictions, the terms do  
22 not include those crimes which are equivalent to motor vehicle offenses under chs.  
23 341 to 349 or to offenses handled through proceedings in the court assigned to  
24 exercise jurisdiction under chs. 48 and 938. Otherwise, felony means a crime which  
25 under the laws of that jurisdiction carries a prescribed maximum penalty of

1 imprisonment in a prison ~~or penitentiary~~ for one year or more. Misdemeanor means  
2 a crime which does not carry a prescribed maximum penalty sufficient to constitute  
3 it a felony and includes crimes punishable only by a fine.

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

5 940.20 (1) BATTERY BY PRISONERS. Any prisoner confined to a state prison ~~or~~  
6 ~~other, a~~ state, county or municipal detention facility or a private prison operating  
7 under a contract under s. 301.21 (3) who intentionally causes bodily harm to an  
8 officer, employe, visitor or another inmate of such prison, facility or institution,  
9 without ~~his or her~~ the consent of the person injured, is guilty of a Class D felony.

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

11 **940.29 Abuse of residents of penal facilities correctional institutions.**

12 Any person in charge of or employed in a ~~penal or~~ correctional institution or other  
13 place of confinement who abuses, neglects or ill-treats any person confined in or a  
14 resident of any such institution or place or who knowingly permits another person  
15 to do so is guilty of a Class E felony.

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

17 941.237 (1) (b) "Correctional officer" means any person employed by the state  
18 ~~or, by~~ any political subdivision of the state or by a private prison operating under a  
19 contract under s. 301.21 (3) as a guard or officer whose principal duties are the  
20 supervision and discipline of inmates.

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

22 **946.43 Assaults by prisoners.** Any prisoner confined to a state prison ~~or~~  
23 ~~other, a~~ state, county or municipal detention facility or a private prison operating  
24 under a contract under s. 301.21 (3) who intentionally does any of the following is  
25 guilty of a Class C felony:

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

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

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

7           946.44 (2) (c) "Institution" includes a private prison operating under a contract  
8           under s. 301.21 (3), a secured correctional facility, as defined in s. 938.02 (15m), a  
9           secured child caring institution, as defined in s. 938.02 (15g), and a Type 2 child  
10          caring institution, as defined in s. 938.02 (19r).

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

12          946.45 (2) (c) "Institution" includes a private prison operating under a contract  
13          under s. 301.21 (3), a secured correctional facility, as defined in s. 938.02 (15m), a  
14          secured child caring institution, as defined in s. 938.02 (15g), and a Type 2 child  
15          caring institution, as defined in s. 938.02 (19r).

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

17          946.47 (2) (b) A person who commits an act within the jurisdiction of another  
18          state which is punishable by imprisonment for one year or more in a ~~state prison or~~  
19          ~~penitentiary~~ under the law of that state and would, if committed in this state,  
20          constitute a felony under the law of this state.

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

22          **946.73    Penalty for violating laws governing state or county**  
23          **institutions or private prisons.** Whoever violates any state law or any lawful rule  
24          made pursuant to state law governing state fair park or any state or county

1 charitable, curative, reformatory, or ~~penal~~ correctional institution while within the  
2 same or the grounds thereof is guilty of a Class C misdemeanor.

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

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

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

7 950.04 (1v) (v) To have the department of corrections make a reasonable  
8 attempt to notify the victim under s. 301.046 (4) regarding community residential  
9 confinements, under s. 301.048 (4m) regarding participation in the intensive  
10 sanctions program, under s. 301.38 regarding escapes from a Type 1 prison or a  
11 private prison, under s. 301.46 (3) regarding persons registered under s. 301.45,  
12 under s. 302.115 regarding release upon expiration of certain sentences, under s.  
13 304.063 regarding extended supervision and parole releases, and under s. 938.51  
14 regarding release or escape of a juvenile from correctional custody.

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

16 961.01 (12m) (am) A private prison operating under a contract under s. 301.21  
17 (3).

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

19 961.48 (2) If any person is charged under sub. (2m) with a 2nd or subsequent  
20 offense under this chapter that is specified in s. 961.41 (1) (cm), (d), (e), (f), (g) or (h),  
21 (1m) (cm), (d), (e), (f), (g) or (h) or (3g) (a) 2., (c), (d) or (e), and he or she is convicted  
22 of that 2nd or subsequent offense, any applicable minimum and maximum fines and  
23 minimum and maximum periods of imprisonment under s. 961.41 (1) (cm), (d), (e),  
24 (f), (g) or (h), (1m) (cm), (d), (e), (f), (g) or (h) or (3g) (a) 2., (c), (d) or (e) are doubled.  
25 A person convicted of a 2nd or subsequent offense under s. 961.41 (3g) (c), (d) or (e)

1 is guilty of a felony and the person may be imprisoned in the Wisconsin state prison  
2 prisons.

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

4 968.255 (7) (a) Is serving a sentence, pursuant to a conviction, in a jail, state  
5 prison or house of correction.

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

7 971.11 (1) Whenever the ~~warden or superintendent~~ department receives notice  
8 of an untried criminal case pending in this state against an inmate of a state prison,  
9 the ~~warden or superintendent~~ department shall, at the request of the inmate, send  
10 by certified mail a written request to the district attorney for prompt disposition of  
11 the case. The request shall state the sentence then being served, the date of parole  
12 eligibility, if applicable, or the date of release to extended supervision, the  
13 approximate discharge or conditional release date, and prior decision relating to  
14 parole. If there has been no preliminary examination on the pending case, the  
15 request shall state whether the inmate waives such examination, and, if so, shall be  
16 accompanied by a written waiver signed by the inmate.

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

18 971.11 (2) If the crime charged is a felony, the district attorney shall either  
19 move to dismiss the pending case or arrange a date for preliminary examination as  
20 soon as convenient and notify the ~~warden or superintendent of the prison thereof~~  
21 department, unless such examination has already been held or has been waived.  
22 After the preliminary examination or upon waiver thereof, the district attorney shall  
23 file an information, unless it has already been filed, and mail a copy thereof to the  
24 ~~warden or superintendent~~ department for service on the inmate. The district

1 attorney shall bring the case on for trial within 120 days after receipt of the request  
2 subject to s. 971.10.

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

4 973.013 (3m) If a person who has not attained the age of 16 years is sentenced  
5 to the Wisconsin state prisons, the department of corrections shall place the person  
6 at a secured juvenile correctional facility or a secured child caring institution, unless  
7 the department of corrections determines that placement in ~~an institution under s.~~  
8 ~~302.01~~ a prison is appropriate based on the person's prior record of adjustment in a  
9 correctional setting, if any; the person's present and potential vocational and  
10 educational needs, interests and abilities; the adequacy and suitability of available  
11 facilities; the services and procedures available for treatment of the person within  
12 the various institutions; the protection of the public; and any other considerations  
13 promulgated by the department of corrections by rule. This subsection does not  
14 preclude the department of corrections from designating an adult correctional  
15 institution as a reception center for the person and subsequently transferring the  
16 person to a secured juvenile correctional facility or a secured child caring institution.  
17 Section 302.11 and ch. 304 apply to all persons placed in a secured juvenile  
18 correctional facility or a secured child caring institution under this subsection.

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

20 973.0135 (2) (intro.) Except as provided in sub. (3), when a court sentences a  
21 prior offender to imprisonment in a the Wisconsin state ~~prison~~ prisons for a serious  
22 felony committed on or after April 21, 1994, but before December 31, 1999, the court  
23 shall make a parole eligibility determination regarding the person and choose one  
24 of the following options:

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

1           973.03 (2) A defendant sentenced to the Wisconsin state prisons and to a county  
2 jail or house of correction for separate crimes shall serve all sentences, whether  
3 concurrent or consecutive, in ~~the state prisons~~ prison.

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

5           973.045 (4) If an inmate in a state prison or a person sentenced to a the  
6 Wisconsin state ~~prison~~ prisons has not paid the crime victim and witness assistance  
7 surcharge under this section, the department shall assess and collect the amount  
8 owed from the inmate's wages or other moneys. Any amount collected shall be  
9 transmitted to the state treasurer.

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

11          973.046 (4) If an inmate in a state prison or a person sentenced to a the  
12 Wisconsin state ~~prison~~ prisons has not paid the deoxyribonucleic acid analysis  
13 surcharge under this section, the department shall assess and collect the amount  
14 owed from the inmate's wages or other moneys. Any amount collected shall be  
15 transmitted to the state treasurer.

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

17          973.08 (1) When any defendant is sentenced to the Wisconsin state prisons, a  
18 copy of the judgment of conviction and a copy of any order for restitution under s.  
19 973.20 shall be delivered by the officer executing the judgment to the warden or  
20 superintendent of the institution when the prisoner is delivered.

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

22          973.18 (4) The judge shall direct the defendant's counsel to confer with the  
23 defendant before signing the form, during the proceeding or as soon thereafter as  
24 practicable, and may make appropriate orders to allow the defendant to confer with



1 counsel before being transferred to the Wisconsin state ~~prison~~ prisons. The  
2 defendant shall be given a copy of the form.

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

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

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

10 990.01 (5w) CORRECTIONAL INSTITUTION. “Correctional institution” includes a  
11 prison, jail, house of correction and any other place of penal detention.

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

13 990.01 (30g) PRISON. “Prison” includes a state prison under s. 302.01 and a  
14 private prison operating under a contract under s. 301.21 (3). “Prison” does not  
15 include a federal correctional institution.

16 **SECTION 194. Effective dates.** This act takes effect on the day after  
17 publication, except as follows:

18 (1) The repeal and recreation of section 302.095 (2) of the statutes takes effect  
19 on December 31, 1999.

20 (2) The repeal and recreation of section 51.35 (3) (c) and (e) of the statutes takes  
21 effect on December 1, 2001.

22 (END)

**1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0475/lins  
JEO:.....

***ANALYSIS INSERT:***

Under current law, the department of corrections (DOC) <sup>✓</sup>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 be 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.

**SUBMITTAL  
FORM**

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

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

**Date:** 2/12/99

**To:** Representative Walker

**Relating to LRB drafting number:** LRB-0475

**Topic**

Confinement of Prisoners in Private Facilities in Wisconsin

**Subject(s)**

Correctional System - prisons

1. **JACKET** the draft for introduction Rep. Scott Walker  
in the **Senate** \_\_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached \_\_\_\_\_.  
A revised draft will be submitted for your approval with changes incorporated.

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

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

Richard A. Champagne, Legislative Attorney  
Telephone: (608) 266-9930