

Patch II

99-0475df_pt2of3



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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

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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 PRISONS. No payment under sub. (6) may be
6 made to a prisoner who is imprisoned in a state prison under s. 302.01 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 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 employees 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,[✓] 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~~[✓] 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.[✓]

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[✓], 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~~ ✓ 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[✓] 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. 231; 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 [✓]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 [✓]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 [✓] 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 [✓] 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 [✓] state prison under this subsection to or between state
 16 prisons named in s. 302.01 as provided under s. 302.18 (1) [✓] 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 [✓] 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[✓] 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 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 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[✓] 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 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 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 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[✓] 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. 17, 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[✓] correctional facility institution[✓]
11 to such a treatment program and is then transferred back to the correctional facility
12 institution[✓]. 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[✓], 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, 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 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~~ 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~~ institution
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
 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, 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, 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 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
 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 or a
 24 licensed physician of the department 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.,[✓] 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[✓] 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[✓] in the court assigned to exercise jurisdiction under ch.
8 48 of the county where the correctional institution[✓] is located. The court shall hold
9 a hearing according to procedures provided in s. 51.20 or 51.45 (13).[✓]

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[✓] 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~~ [✓] 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 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 ~~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~~ 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 ~~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 [✓]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, 170, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 123; 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 [✓]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, 9143 (1); 1995 a. 77, 225; 1997 a. 21, 35, 231.

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~~ [✓] 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 48.** 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~~ [✓] 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 [✓] ~~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~~[✓] 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 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~~[✓] 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~~[✓] 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. 59, 221; 1981 c. 36, 353; 1983 a. 8 ss. 1 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[✓], 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[✓] 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.

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

4 115.787 (6) CHILDREN WITH DISABILITIES IN STATE[✓] 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[✓] 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[✓] 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[✓] under state law and
14 incarcerated in a state[✓] 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.

19 **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,[✓]
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), 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.

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 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, or 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,[✓] 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[✓] 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[✓] 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, 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~~,[✓] 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.

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~~[✓] 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).[✓] 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~~[✓] 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~~[✓] 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~~ [✓] 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~~ [✓] 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, [✓]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, [✓]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, [✓]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[✓] 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[✓] 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.)[✓]

18 and amended to read:

19 252.14 (1) (ad) (intro.)[✓] “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 ~~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 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.

4 **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.

15 **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.~~

19 **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 proccdures 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[✓] 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. [✓]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.[✓]

9 8. The investigation and inspection of the private prison by the department
10 under s. 301.36.[✓]

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[✓] 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.[✓]

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 ~~faeility~~ 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 ~~faeility~~ 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.

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 ~~employees 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.

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.

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.

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.

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):

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 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. 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~~ [✓] 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 [✓] 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 [✓] 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) [✓] 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~~ [✓] 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.

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

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.

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

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.

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

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

17 **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[✓] any one political subdivision of

1 another state or any one private 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.

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

4 **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 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 a. 302.27; 1991 a. 39; 1993 a. 89, 437.

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

12 **302.28 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). 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 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~~[✓], 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~~[✓] 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[✓], 302.43[✓],
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 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 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.

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 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 state prison prisons 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 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.

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: 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~~ 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.

3 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.**

5 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.

17 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 [✓] 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),[✓] 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. 801.02 (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.

8 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.

17 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.

20 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~~ or 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 any political subdivision of the state or by a private prison operating under a
4 contract under s. 301.21 (3) 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 other, a state, county or municipal detention facility or a private prison operating
9 under a contract under s. 301.21 (3) 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, 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, 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), 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).

3 **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
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.

8 **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~~ correctional institution while within the
13 same or the grounds thereof is guilty of a Class C misdemeanor.

14 **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, state
16 prison or house of correction.

17 **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, 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).[✓]

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.[✓]

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.

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, 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 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.

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.

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.

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.

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.); 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 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.

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