

# Patch II

99-0475df\_pt3of3



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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0475/P1

JEO & RAC:jlg:km

By Monday 2/15

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

regenerate

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**AN ACT** to renumber and amend 252.14 (1) (ad) and 252.15 (1) (ad); to amend

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16.385 (7), 16.51 (7), 16.84 (2), 19.32 (1e), 19.35 (1) (am) 2. c., 20.410 (1) (c),  
20.410 (3) (c), 20.410 (9) (c), 20.435 (2) (gk), 20.917 (5) (a) (intro.), 29.199, 38.04  
(12), 38.24 (1m) (d), 40.02 (48) (c), 46.056 (1), 46.10 (2m), 46.22 (1) (c) 2., 48.366  
(8), 48.78 (2) (d) 3., 49.32 (7) (d), 49.84 (1), 50.39 (3), 51.20 (1) (ar) (intro.), 51.20  
(7) (b), 51.20 (7) (c), 51.20 (11) (a), 51.20 (13) (a) 3., 51.20 (13) (a) 4., 51.20 (19)  
(b) 1., 51.30 (4) (b) 10. (intro.), 51.30 (4) (b) 10. c., 51.30 (4) (b) 10. d., 51.35 (3)  
(a), 51.35 (3) (c), 51.35 (3) (e), 51.35 (3) (g), 51.37 (5) (a), 51.37 (8) (b), 51.37 (10)  
(e), 51.37 (11), 51.40 (1) (j), 51.42 (3) (as) 1., 51.45 (15) (b), 51.61 (1) (intro.), 51.61  
(1) (b) 3., 51.75 (9) (a), 59.24, 59.52 (16) (a), 59.53 (16) (a), 66.04 (1), 71.54 (2) (c)  
2., 71.64 (8) (c), 77.996 (2) (f), 84.27, 101.12 (5) (a) 2. b., 101.123 (1) (dm), 102.475  
(8) (a), 106.215 (8g) (b), 108.02 (15) (g) 3., 108.07 (8) (b), 115.31 (1) (b), 115.76  
(10), 115.762 (4), 115.787 (6), 115.81 (1) (b), 118.125 (4), 118.16 (4) (cm) 1., 120.18  
(1) (a) (intro.), 121.79 (1) (b), 132.13 (1) (a), 139.40 (2), 157.02 (1), 165.755 (6),  
165.84 (4), 165.84 (5), 165.84 (6), 230.36 (1), 230.36 (3) (c) (intro.), 250.04 (10),

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

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

ANALYSIS  
INSERT

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***Analysis by the Legislative Reference Bureau***

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

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

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

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

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

9 16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND  
10 JUVENILES IN SECURED CORRECTIONAL FACILITIES. Receive, examine, determine and  
11 audit claims, duly certified and approved by the department of corrections, from the  
12 county clerk of any county in behalf of the county, which are presented for payment  
13 to reimburse the county for certain expenses incurred or paid by it in reference to all  
14 matters growing out of actions and proceedings involving prisoners in state prisons,  
15 as defined in s. 302.01, or juveniles in secured correctional facilities, as defined in s.  
16 938.02 (15m), including prisoners or juveniles transferred to a mental health  
17 institute for observation or treatment, when the proceedings are commenced in  
18 counties in which the prisons or secured correctional facilities are located by a  
19 district attorney or by the prisoner or juvenile as a postconviction remedy or a matter  
20 involving the prisoner's status as a prisoner or the juvenile's status as a resident of

1 a secured correctional facility and for certain expenses incurred or paid by it in  
2 reference to holding those juveniles in secure custody while those actions or  
3 proceedings are pending. Expenses shall only include the amounts that were  
4 necessarily incurred and actually paid and shall be no more than the legitimate cost  
5 would be to any other county had the offense or crime occurred therein.

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

7 16.84 (2) Appoint such number of police officers as is necessary to safeguard  
8 all public property placed by law in the department's charge, and provide, by  
9 agreement with any other state agency, police and security services at buildings and  
10 facilities owned, controlled or occupied by the other state agency. The governor or  
11 the department may, to the extent it is necessary, authorize police officers employed  
12 by the department to safeguard state officers, state employes or other persons. A  
13 police officer who is employed by the department and who is performing duties that  
14 are within the scope of his or her employment as a police officer has the powers of a  
15 peace officer under s. ~~59.24~~ 59.28, except that the officer has the arrest powers of a  
16 law enforcement officer under s. 968.07 regardless of whether the violation is  
17 punishable by forfeiture or criminal penalty. The officer may exercise the powers of  
18 a peace officer and the arrest powers of a law enforcement officer while located  
19 anywhere within this state. Nothing in this subsection limits or impairs the duty of  
20 the chief and each police officer of the police force of the municipality in which the  
21 property is located to arrest and take before the proper court or magistrate persons  
22 found in a state of intoxication or engaged in any disturbance of the peace or violating  
23 any state law in the municipality in which the property is located, as required by s.  
24 62.09 (13).

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

1           19.32 (1e) "Penal facility" means a state prison ~~under s. 302.01~~, county jail,  
2 county house of correction or other ~~state, county or municipal~~ correctional institution  
3 or detention facility operated by the state, by a private person under contract with  
4 the state or by a county or municipality.

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

6           19.35 (1) (am) 2. c. Endanger the security of any ~~state correctional institution,~~  
7 ~~as defined in s. 301.01 (4)~~ prison, jail, as defined in s. 165.85 (2) (bg), secured  
8 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,  
9 as defined in s. 938.02 (15g), mental health institute, as defined in s. 51.01 (12),  
10 center for the developmentally disabled, as defined in s. 51.01 (3), or the population  
11 or staff of any of these institutions, facilities or jails.

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

13           20.410 (1) (c) *Reimbursement claims of counties containing state prisons.* A  
14 sum sufficient to pay all valid claims made by county clerks of counties containing  
15 state prisons as provided in s. 16.51 (7).

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

17           20.410 (3) (c) *Reimbursement claims of counties containing secured*  
18 *correctional facilities.* The amounts in the schedule to pay all valid claims made by  
19 county clerks of counties containing state juvenile secured ~~correctional institutions~~  
20 facilities as provided in s. 16.51 (7).

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

22           20.410 (9) (c) *Witness fees of inmates.* The money received in reimbursement  
23 of expenses incurred in taking inmates of ~~state institutions~~ into court under s. 51.20  
24 (18) or 782.45 shall be refunded to the appropriations made by sub. (1) (a) for  
25 operation of the institutions.

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

2           20.435 (2) (gk) *Institutional operations and charges.* The amounts in the  
3 schedule for care provided by the centers for the developmentally disabled to  
4 reimburse the cost of providing the services and to remit any credit balances to  
5 county departments that occur on and after July 1, 1978, in accordance with s. 51.437  
6 (4rm) (c); for care provided by the mental health institutes, to reimburse the cost of  
7 providing the services and to remit any credit balances to county departments that  
8 occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for  
9 maintenance of state-owned housing at centers for the developmentally disabled  
10 and mental health institutes; for repair or replacement of property damaged at the  
11 mental health institutes or at centers for the developmentally disabled; and for  
12 reimbursing the total cost of using, producing and providing services, products and  
13 care. All moneys received as payments from medical assistance on and after August  
14 1, 1978; as payments from all other sources including other payments under s. 46.10  
15 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical  
16 assistance payments, other payments under s. 46.10 and payments under s. 51.42  
17 (3) (as) 2. received on and after January 1, 1979; as payments under s. 51.07 (4); as  
18 payments for the rental of state-owned housing and other institutional facilities at  
19 centers for the developmentally disabled and mental health institutes; for the sale  
20 of electricity, steam or chilled water; as payments in restitution of property damaged  
21 at the mental health institutes or at centers for the developmentally disabled; for the  
22 sale of surplus property, including vehicles, at the mental health institutes or at  
23 centers for the developmentally disabled; and for other services, products and care  
24 shall be credited to this appropriation, except that any payment under s. 46.10  
25 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20

1 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9)  
2 (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed  
3 under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of  
4 patients transferred from a state prison under s. 51.37 (5), to Mendota mental health  
5 institute or Winnebago mental health institute shall be treated as general purpose  
6 revenue — earned, as defined under s. 20.001 (4).

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

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

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

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

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

24 38.04 (12) PRISON INMATE EDUCATIONAL PROGRAM. The board may establish  
25 vocational educational programs for prison inmates ~~within the state correctional~~



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

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

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

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

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

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

23 46.056 (1) The department shall establish the Wisconsin resource center on the  
24 grounds of the Winnebago mental health institute near Oshkosh. Notwithstanding  
25 s. 301.03, the department shall have responsibility for administering the center as

1 a correctional institution that provides psychological evaluations, specialized  
2 learning programs, training and supervision for inmates whose behavior presents  
3 a serious problem to themselves or others in ~~state prisons~~ the correctional institution  
4 in which they have been detained and whose mental health needs can be met at the  
5 center.

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

7 **46.10 (2m)** The liability specified in sub. (2) shall not apply to tuberculosis  
8 patients receiving care, maintenance, services and supplies under ss. 58.06 and  
9 252.07 to 252.10, to persons 18 and older receiving care, maintenance, services and  
10 supplies provided by ~~prisons named in s. 302.01~~ a prison or to parents of a minor who  
11 receives care for alcohol or drug abuse under s. 51.47 (1) without consent of the  
12 minor's parent or guardian.

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

14 **46.22 (1) (c) 2.** Subdivision 1. does not authorize the county department of  
15 social services to make investigations regarding admission to or release from the  
16 Waupun correctional institution, the Columbia correctional institution, the Racine  
17 correctional institution, the Racine Youthful Offender Correctional Facility, the  
18 correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), the  
19 correctional institution authorized under s. 301.046 (1), the correctional institution  
20 authorized under s. 301.048 (4) (b), the correctional institution authorized under s.  
21 301.16 (1n), the Oshkosh correctional institution, the Green Bay correctional  
22 institution, the Dodge correctional institution, the Taycheedah correctional  
23 institution, a private prison operating under a contract under s. 301.21 (3), county  
24 houses of correction, jails, detention homes or reforestation camps.

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

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

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

14           48.78 (2) (d) 3. Subject to an order under s. 48.366 and placed in a state prison  
15 under s. 48.366 (8).

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

17           49.32 (7) (d) The department, with assistance from the department of  
18 corrections, shall conduct a program to periodically match the records of persons in  
19 the custody of the department of corrections who are confined in state correctional  
20 facilities a prison with the records of recipients of medical assistance under s. 49.46,  
21 49.468 or 49.47, aid to families with dependent children under s. 49.19 and the food  
22 stamp program under 7 USC 2011 to 2029 to identify recipients who may be ineligible  
23 for benefits.

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

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

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

8           50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,  
9 58.06, 252.073, 252.076 and 252.10, secured correctional facilities as defined in s.  
10 938.02 (15m), correctional institutions governed by the department of corrections  
11 under s. 301.02, private prisons operating under a contract under s. 301.21 (3) and  
12 the offices and clinics of persons licensed to treat the sick under chs. 446, 447 and 448  
13 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights  
14 of the medical examining board, physical therapists affiliated credentialing board,  
15 podiatrists affiliated credentialing board, dentistry examining board, pharmacy  
16 examining board, chiropractic examining board and board of nursing in carrying out  
17 their statutory duties and responsibilities.

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

19           51.20 (1) (ar) (intro.) If the individual is an inmate of a state prison, the petition  
20 may allege that the inmate is mentally ill, is a proper subject for treatment and is  
21 in need of treatment. The petition shall allege that appropriate less restrictive forms  
22 of treatment have been attempted with the individual and have been unsuccessful  
23 and it shall include a description of the less restrictive forms of treatment that were  
24 attempted. The petition shall also allege that the individual has been fully informed  
25 about his or her treatment needs, the mental health services available to him or her

1 and his or her rights under this chapter and that the individual has had an  
2 opportunity to discuss his or her needs, the services available to him or her and his  
3 or her rights with a licensed physician or a licensed psychologist. The petition shall  
4 include the inmate's sentence and his or her expected date of release as determined  
5 under s. 302.11 or 302.113, whichever is applicable. The petition shall have attached  
6 to it a signed statement by a licensed physician or a licensed psychologist of a state  
7 prison and a signed statement by a licensed physician or a licensed psychologist of  
8 a state treatment facility attesting either of the following:

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

10 51.20 (7) (b) If the subject individual is not detained or is an inmate of a state  
11 prison, county jail or house of correction, the court shall hold a hearing within a  
12 reasonable time of the filing of the petition, to determine whether there is probable  
13 cause to believe the allegations made under sub. (1).

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

15 51.20 (7) (c) If the court determines that there is probable cause to believe the  
16 allegations made under sub. (1), it shall schedule the matter for a hearing within 14  
17 days from the time of detention of the subject individual, except as provided in sub.  
18 (8) (bg) or (bm) or (11) (a). If a postponement has been granted under par. (a), the  
19 matter shall be scheduled for hearing within 21 days from the time of detention of  
20 the subject individual. If the subject individual is not detained under s. 51.15 or this  
21 section or is an inmate of a state prison, county jail or house of correction, the hearing  
22 shall be scheduled within 30 days of the hearing to determine probable cause for  
23 commitment. In the event that the subject individual fails to appear for the hearing  
24 to determine probable cause for commitment, the court may issue an order for the  
25 subject individual's detention and shall hold the hearing to determine probable cause

1 for commitment within 48 hours, exclusive of Saturdays, Sundays and legal  
2 holidays, from the time that the individual is detained.

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

4 51.20 (11) (a) If before involuntary commitment a jury is demanded by the  
5 individual against whom a petition has been filed under sub. (1) or by the individual's  
6 counsel if the individual does not object, the court shall direct that a jury of 6 people  
7 be selected to determine if the allegations specified in sub. (1) (a), (ar) or (av) are true.  
8 A jury trial is deemed waived unless demanded at least 48 hours in advance of the  
9 time set for final hearing, if notice of that time has been previously provided to the  
10 subject individual or his or her counsel. If a jury trial demand is filed within 5 days  
11 of detention, the final hearing shall be held within 14 days of detention. If a jury trial  
12 demand is filed later than 5 days after detention, the final hearing shall be held  
13 within 14 days of the date of demand. If an inmate of a state prison, county jail or  
14 house of correction demands a jury trial within 5 days after the probable cause  
15 hearing, the final hearing shall be held within 28 days of the probable cause hearing.  
16 If an inmate of a state prison, county jail or house of correction demands a jury trial  
17 later than 5 days after the probable cause hearing, the final hearing shall be held  
18 within 28 days of the date of demand.

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

20 51.20 (13) (a) 3. If the individual is not an inmate of a state prison, county jail  
21 or house of correction and the allegations specified in sub. (1) (a) are proven, order  
22 commitment to the care and custody of the appropriate county department under s.  
23 51.42 or 51.437, or if inpatient care is not required order commitment to outpatient  
24 treatment under care of such county department; or

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

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

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

7           51.20 (19) (b) 1. Establishing standards for the use of psychotropic drugs on  
8           prisoners in a state prison and inmates committed under sub. (1) (ar).

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

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

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

23          51.30 (4) (b) 10. c. When an individual is transferred from a treatment facility  
24          back to a correctional facility institution, the information provided under subd. 10.  
25          d.

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

2           51.30 (4) (b) 10. d. Any information necessary to establish, or to implement  
3 changes in, the individual's treatment plan or the level and kind of supervision on  
4 probation, extended supervision or parole, as determined by the director of the  
5 facility or the treatment director. In cases involving a person transferred back to a  
6 correctional facility institution, disclosure shall be made to clinical staff only. In  
7 cases involving a person on probation, extended supervision or parole, disclosure  
8 shall be made to a probation, extended supervision and parole agent only. The  
9 department shall promulgate rules governing the release of records under this  
10 subdivision.

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

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



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

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

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

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

1           51.35 (3) (c) A licensed psychologist of a juvenile correctional institution or a  
2 licensed physician of the department of corrections, who has reason to believe that  
3 any individual confined in the institution, in his or her opinion, is mentally ill, drug  
4 dependent or developmentally disabled and is dangerous as described in s. 51.20 (1)  
5 (a) 2., or is an alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2.,  
6 shall file a written report with the superintendent of the institution, stating the  
7 nature and basis of the belief. If the superintendent, upon review of the allegations  
8 in the report, determines that transfer is appropriate, he or she shall file a petition  
9 according to s. 51.20 or 51.45 in the court assigned to exercise jurisdiction under ch.  
10 48 of the county where the correctional institution is located. The court shall hold  
11 a hearing according to procedures provided in s. 51.20 or 51.45 (13).

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

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

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

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

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

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

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

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

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

15 51.37 (5) (a) When a licensed physician or licensed psychologist of a state  
16 prison, of a county jail or of the department of corrections reports in writing to the  
17 officer in charge of a jail or institution that any prisoner is, in his or her opinion,  
18 mentally ill, drug dependent, or developmentally disabled and is appropriate for  
19 treatment as described in s. 51.20 (1), or is an alcoholic and is dangerous as described  
20 in s. 51.45 (13) (a) 1. and 2.; or that the prisoner is mentally ill, drug dependent,  
21 developmentally disabled or is an alcoholic and is in need of psychiatric or  
22 psychological treatment, and that the prisoner voluntarily consents to a transfer for  
23 treatment, the officer shall make a written report to the department of corrections  
24 which may transfer the prisoner if a voluntary application is made and the  
25 department of health and family services consents. If voluntary application is not

1 made, the department of corrections may file a petition for involuntary commitment  
2 under s. 51.20 (1) or 51.45 (13). Any time spent by a prisoner in an institution  
3 designated under sub. (3) or s. 51.37 (2), 1983 stats., shall be included as part of the  
4 individual's sentence.

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

6 51.37 (8) (b) If the condition of any prisoner or inmate committed or transferred  
7 under this section requires psychiatric or psychological treatment after his or her  
8 date of release as determined under s. 302.11 or 302.113, whichever is applicable, the  
9 director of the state treatment facility shall, within a reasonable time before the  
10 release date of the prisoner or inmate, make a written application to the court which  
11 committed the prisoner or inmate under sub. (5) (a). Thereupon, the proceeding shall  
12 be upon application made under s. 51.20, but no physician or psychologist who is  
13 connected with a state prison, Winnebago or Mendota mental health institute or any  
14 county jail or house of correction may be appointed as an examiner. If the court does  
15 not commit the prisoner or inmate, it may dismiss the application and order the  
16 prisoner or inmate returned to the institution from which he or she was transferred  
17 until the release date of the prisoner or inmate. If the court commits the prisoner or  
18 inmate for the period commencing upon his or her release date, the commitment  
19 shall be to the care and custody of the county department under s. 51.42 or 51.437.

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

21 51.37 (10) (e) The director of the facility in which the patient under par. (am)  
22 is detained or committed shall notify ~~the appropriate correctional officers of the~~  
23 department of corrections of the intention to grant a home visit or leave under this  
24 subsection at least 20 days prior to the departure of the patient from the facility.

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

1           51.37 (11) When an individual who is in the custody of or under the supervision  
2 of a ~~correctional officer~~ of the department of corrections is transferred, discharged  
3 or is on unauthorized absence from a treatment facility, the probation, extended  
4 supervision and parole agent or other individual within the department of  
5 corrections who is responsible for that individual's supervision shall be notified as  
6 soon as possible by the director of the treatment facility.

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

8           51.40 (1) (j) "State facility" means a state mental health institute, a center for  
9 the developmentally disabled, a prison ~~as specified in s. 302.01~~ or a facility that is  
10 operated directly by the department of health and family services or the department  
11 of corrections.

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

13           51.42 (3) (as) 1. A county department of community programs shall authorize  
14 all care of any patient in a state, local or private facility under a contractual  
15 agreement between the county department of community programs and the facility,  
16 unless the county department of community programs governs the facility. The need  
17 for inpatient care shall be determined by the program director or designee in  
18 consultation with and upon the recommendation of a licensed physician trained in  
19 psychiatry and employed by the county department of community programs or its  
20 contract agency. In cases of emergency, a facility under contract with any county  
21 department of community programs shall charge the county department of  
22 community programs having jurisdiction in the county where the patient is found.  
23 The county department of community programs shall reimburse the facility for the  
24 actual cost of all authorized care and services less applicable collections under s.  
25 46.036, unless the department of health and family services determines that a

1 charge is administratively infeasible, or unless the department of health and family  
2 services, after individual review, determines that the charge is not attributable to the  
3 cost of basic care and services. A county department of community programs may  
4 not reimburse any state institution or receive credit for collections for care received  
5 therein by nonresidents of this state, interstate compact clients, transfers under s.  
6 51.35 (3), and transfers from ~~Wisconsin~~ state prisons under s. 51.37 (5) (a),  
7 commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14,  
8 971.17 or 975.06 or admissions under s. 975.17, 1977 stats., or children placed in the  
9 guardianship of the department of health and family services under s. 48.427 or  
10 48.43 or under the supervision of the department of corrections under s. 938.183 or  
11 938.355. The exclusionary provisions of s. 46.03 (18) do not apply to direct and  
12 indirect costs which are attributable to care and treatment of the client.

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

14 51.45 (15) (b) No provisions of this section may be deemed to contradict any  
15 rules or regulations governing the conduct of any inmate of a ~~state or county~~  
16 correctional institution who is being treated in an alcoholic treatment program  
17 within the institution.

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

19 51.61 (1) (intro.) In this section, "patient" means any individual who is  
20 receiving services for mental illness, developmental disabilities, alcoholism or drug  
21 dependency, including any individual who is admitted to a treatment facility in  
22 accordance with this chapter or ch. 48 or 55 or who is detained, committed or placed  
23 under this chapter or ch. 48, 55, 971, 975 or 980, or who is transferred to a treatment  
24 facility under s. 51.35 (3) or 51.37 or who is receiving care or treatment for those  
25 conditions through the department or a county department under s. 51.42 or 51.437

1 or in a private treatment facility. "Patient" does not include persons committed  
2 under ch. 975 who are transferred to or residing in ~~any state a~~ prison listed under  
3 ~~s. 302.01~~. In private hospitals and in public general hospitals, "patient" includes any  
4 individual who is admitted for the primary purpose of treatment of mental illness,  
5 developmental disability, alcoholism or drug abuse but does not include an  
6 individual who receives treatment in a hospital emergency room nor an individual  
7 who receives treatment on an outpatient basis at those hospitals, unless the  
8 individual is otherwise covered under this subsection. Except as provided in sub. (2),  
9 each patient shall:

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

11 51.61 (1) (b) 3. Payment to a patient performing labor under this section shall  
12 not be applied to costs of treatment without the informed, written consent of such  
13 patient. This paragraph does not apply to individuals serving a criminal sentence  
14 who are transferred from a ~~state correctional institution~~ prison under s. 51.37 (5) to  
15 a treatment facility.

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

17 51.75 (9) (a) No provision of this compact except sub. (5) applies to any person  
18 institutionalized while under sentence in a ~~penal or~~ correctional institution or while  
19 subject to trial on a criminal charge, or whose institutionalization is due to the  
20 commission of an offense for which, in the absence of mental illness or mental  
21 deficiency, said person would be subject to incarceration in a ~~penal or~~ correctional  
22 institution.

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

24 **59.24 Clerks of counties containing state institutions to make claims**  
25 **in certain cases.** The clerk of any county which is entitled to reimbursement under



1 s. 16.51 (7) shall make a certified claim against the state, without direction from the  
2 board, in all cases where the reimbursement is directed in s. 16.51 (7), upon forms  
3 prescribed by the department of administration. The forms shall contain  
4 information required by the clerk and shall be filed annually with the department  
5 of corrections on or before June 1. If the claims are approved by the department of  
6 corrections, they shall be certified to the department of administration and paid from  
7 the appropriation made by s. 20.410 (1) (c), if the claim is for reimbursement of  
8 expenses involving a prisoner in a state prison ~~named in s. 302.01~~, or from the  
9 appropriation under s. 20.410 (3) (c), if the claim is for reimbursement of expenses  
10 involving a juvenile in a secured correctional facility, as defined in s. 938.02 (15m).

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

12 59.52 (16) (a) *Institutions, state farms, airports.* Appropriate each year to any  
13 municipality and school district in which a county farm, hospital, charitable or ~~penal~~  
14 correctional institution or state hospital, charitable or ~~penal~~ correctional institution  
15 or state-owned lands used for agricultural purposes or county or municipally owned  
16 airport is located, an amount of money equal to the amount which would have been  
17 paid in municipal and school tax upon the lands without buildings, if those lands  
18 were privately owned. The valuation of the lands, without buildings, and  
19 computation of the tax shall be made by the board. In making the computation under  
20 this paragraph, lands on which a courthouse or jail are located and unimproved  
21 county lands shall not be included.

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

23 59.53 (16) (a) In counties having a population of 30,000 or more the board may  
24 erect, establish and maintain isolation hospitals or places for the care and treatment  
25 of all persons afflicted with infectious, contagious and communicable diseases,

1 requiring isolation and quarantine under the laws of the state, who are inmates of  
2 the charitable, ~~penal~~, correctional and other institutions of said county or who are  
3 required to be cared for and treated at the expense of said county. The board may  
4 also provide for the care and treatment therein of all persons so afflicted, who are  
5 required to be cared for by the various municipalities in said counties, under such  
6 terms, conditions, rules and regulations, as to apportionment of cost of erection of  
7 such buildings and places and the expense of care and treatment of such persons  
8 afflicted, as may be agreed upon between the county board and the common council  
9 of such cities and the boards of such villages and towns, and each such council or  
10 board is hereby vested with power and authority to enter into such contracts and to  
11 appropriate such funds as may be necessary to carry into execution all contracts so  
12 made.

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

14 66.04 (1) BONUS TO STATE INSTITUTION. No appropriation or bonus of any kind,  
15 except for a donation, may be made by any town, village, or city, nor any municipal  
16 liability created nor tax levied, as a consideration or inducement to the state to locate  
17 any public educational, charitable, reformatory, or ~~penal~~ correctional institution.

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

19 71.54 (2) (c) 2. In addition to property taxes accrued or rent constituting  
20 property taxes accrued under subd. 1., if the claimant moves from a homestead  
21 owned by the claimant to housing that is exempt from taxation under ch. 70, other  
22 than housing for which payments in lieu of taxes are made under s. 66.40 (22) and  
23 other than a correctional institution or detention facility, a claim may be allowed  
24 based on property taxes accrued on that former homestead for the length of time, up  
25 to the first 12 months, that the claimant resides in the tax-exempt housing and owns

1 the former homestead, if the claimant has attempted to sell the former homestead  
2 but has not rented it out or leased it out.

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

4 71.64 (8) (c) The department of corrections is not required to withhold under  
5 sub. (1) from wages paid to an inmate working in a prison listed in s. 302.01, and if  
6 the inmate's wages do not exceed \$2,000 per year the department of corrections is not  
7 required under s. 71.65 (3) to file reports relating to those wages.

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

9 77.996 (2) (f) Facilities that are located at a ~~prison or other penal~~ correctional  
10 institution.

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

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

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

1           101.12 (5) (a) 2. b. As a jail, correctional facility institution or other secure  
2 facility for persons in detention;

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

4           101.123 (1) (dm) "Prison" ~~means a prison described in s. 302.01, except it does~~  
5 not include the correctional institution under s. 301.046 (1), if the institution is the  
6 prisoner's place of residence ~~and does not include, or~~ a Type 2 prison, as defined in  
7 s. 301.01 (6).

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

9           102.475 (8) (a) "Correctional officer" means any person employed by the state  
10 or any political subdivision as a guard or officer whose principal duties are  
11 supervision and discipline of inmates at a ~~penal~~ correctional institution, ~~prison, jail,~~  
12 ~~house of correction or other place of penal detention.~~

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

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

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

21           108.02 (15) (g) 3. By an inmate of a custodial or ~~penal~~ correctional institution.

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

23           108.07 (8) (b) If a claimant is a prisoner of a state prison, ~~as defined in s. 302.01,~~  
24 and has employment with an employer other than the department of corrections or  
25 a private business leasing space within a state prison under s. 303.01 (2) (em), and

1 the claimant's employment terminates because conditions of incarceration or  
2 supervision make it impossible to continue the employment, the department shall  
3 charge to the fund's balancing account any benefits based on the terminated  
4 employment that are otherwise chargeable to the account of an employer that is  
5 subject to the contribution requirements under ss. 108.17 and 108.18.

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

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

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

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

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

24 115.762 (4) LIMITATION. Nothing in this subchapter requires that special  
25 education and related services be provided to a child with a disability who is at least

1 18 years old but not yet 22 years old and who, in the child's educational placement  
2 before his or her incarceration in a state prison, was not identified as a child with a  
3 disability or for whom an individualized education program was not developed.

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

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

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

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

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

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

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

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

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

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

20 118.16 (4) (cm) 1. The school board may establish policies which provide that  
21 a pupil of an age eligible for high school enrollment in the school district, as  
22 determined by the school board, may be assigned to a period of assessment as a  
23 consequence of the pupil’s truancy or upon the pupil’s return to school from  
24 placement in a correctional facility institution, mental health treatment facility,  
25 alcohol and other drug abuse treatment facility or other out-of-school placement.

1 The policies shall specify the conditions under which a pupil may participate in the  
2 assessment without being in violation of s. 118.15 and the maximum length of time  
3 that a pupil may be assigned to an assessment period.

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

5 120.18 (1) (a) (intro.) The school count, showing the numbers and ages of  
6 persons who are at least 4 years old but not yet 14 years old and who reside in a school  
7 district operating only elementary grades, showing the number and ages of persons  
8 between the ages of 14 and 20 residing in a union high school district and showing  
9 the number and ages of persons between the ages of 4 and 20 residing in any other  
10 school district. Children cared for at a charitable or ~~penal~~ correctional institution of  
11 this state may not be included in the report. The school district clerk may employ  
12 a competent person to take the schoolcount. The count may be determined by using  
13 any of the following methods:

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

15 121.79 (1) (b) For pupils whose parents or guardians are employed at and  
16 reside on the grounds of a state or federal military camp, federal veteran hospital or  
17 state charitable or ~~penal~~ correctional institution.

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

19 132.13 (1) (a) All goods, wares, and merchandise made wholly or in part by  
20 convict labor in any ~~penitentiary~~, prison, reformatory or other establishment in  
21 which convict labor is employed, except convicts or prisoners on parole, extended  
22 supervision or probation, shall before being exposed for sale be branded, labeled,  
23 marked or tagged as herein provided and shall not be exposed for sale or sold in this  
24 state without such brand, label, mark or tag. Such brand, label, mark or tag shall  
25 contain at the head or top thereof the words “convict-made” followed by the name of



1 the ~~penitentiary~~, prison, reformatory or other establishment in which it was made  
2 in plain English lettering of the style and size known as eighteen point Cheltenham  
3 bold type capitals. The brand or mark shall in all cases where the nature of the  
4 articles will permit be placed on each individual article or part of such article that  
5 is sold, and only where such branding or marking is impossible shall a label or tag  
6 be used and where a label is used it shall be securely pasted onto each such article  
7 and when a tag is used it shall be a paper tag securely fastened to such article or part  
8 of article sold. In addition to the marking of each article or part of article sold a  
9 similar brand, mark, label or tag shall be placed upon the outside or upon its box,  
10 crate, or other covering. All brands, labels, marks, and tags shall be placed on a  
11 conspicuous part of such article or part of article and its container.

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

13 139.40 (2) If cigarettes which do not bear the proper tax stamps or on which  
14 the tax has not been paid are so seized they may be given to law enforcement officers  
15 to use in criminal investigations or sold to qualified buyers by the secretary, without  
16 notice. If the cigarettes are sold, after deducting the costs of the sale and the keeping  
17 of the property, the proceeds of the sale shall be paid into the state treasury. If the  
18 secretary finds that such cigarettes may deteriorate or become unfit for use in  
19 criminal investigations or for sale or that those uses would otherwise be impractical,  
20 the secretary may order them destroyed or give them to a charitable or ~~penal~~  
21 correctional institution for free distribution to patients or inmates.

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

23 157.02 (1) NOTICE TO RELATIVES. When an inmate of any state, county or  
24 municipal institution or any private prison operating under a contract under s.  
25 302.21 (3) dies, the superintendent or other person in charge of the institution or

1 private prison shall immediately notify a relative of the decedent. A public officer  
2 having the possession or the disposition of a corpse shall immediately notify a  
3 relative of the decedent. If no relative is known, or discoverable by use of ordinary  
4 diligence, notice may be dispensed with. In addition, if the deceased had been an  
5 inmate of a state correctional institution, ~~including a private prison,~~ the department  
6 of corrections shall provide written notification to the relative informing him or her  
7 that the department of corrections, upon request, will provide a copy of any autopsy  
8 report or other report or information pertaining to the death. The department of  
9 corrections shall describe how the request may be made and shall promptly comply  
10 with any such request.

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

12 165.755 (6) If an inmate in a state prison or a person sentenced to a the  
13 Wisconsin state ~~prison~~ prisons has not paid the crime laboratories and drug law  
14 enforcement assessment under sub. (1) (a), the department shall assess and collect  
15 the amount owed from the inmate's wages or other moneys. Any amount collected  
16 shall be transmitted to the state treasurer.

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

18 165.84 (4) All persons in charge of state ~~penal and~~ correctional institutions  
19 shall obtain fingerprints, according to the fingerprint system of identification  
20 established by the director of the F.B.I., and full face and profile photographs of all  
21 persons received on commitment to these institutions. The prints and photographs  
22 so taken shall be forwarded to the department, together with any other identifying  
23 data requested, within 10 days after the arrival at the institution of the person  
24 committed. Full length photographs in release dress shall be taken immediately  
25 prior to the release of these persons from these institutions or from a private prison

1 operating under a contract under s. 301.21 (3). Immediately after release, these  
2 photographs shall be forwarded to the department.

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

4 165.84 (5) All persons in charge of law enforcement and tribal law enforcement  
5 agencies, all clerks of court, all municipal judges where they have no clerks, all  
6 persons in charge of state and county ~~penal and~~ correctional institutions, and all  
7 persons in charge of state and county probation, extended supervision and parole  
8 offices, shall supply the department with the information described in s. 165.83 (2)  
9 (f) on the basis of the forms and instructions to be supplied by the department under  
10 s. 165.83 (2) (g).

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

12 165.84 (6) All persons in charge of law enforcement and tribal law enforcement  
13 agencies in this state shall furnish the department with any other identifying data  
14 required in accordance with guidelines established by the department. All law  
15 enforcement and tribal law enforcement agencies and ~~penal and~~ correctional  
16 institutions in this state having criminal identification files shall cooperate in  
17 providing to the department copies of such items in these files as will aid in  
18 establishing the nucleus of the state criminal identification file.

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

20 230.36 (1) If a conservation warden, conservation patrol boat captain,  
21 conservation patrol boat engineer, state forest ranger, conservation field employe of  
22 the department of natural resources who is subject to call for fire control duty,  
23 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax  
24 investigator employed by the department of revenue, special criminal investigation  
25 agent employed by the department of justice, special tax agent, state drivers' license

1 examiner, state fair park police officer, University of Wisconsin System police officer  
2 and other state facilities police officer and patrol officer, security officer, watcher,  
3 engineer, engineering aide, building construction superintendent, fire fighter  
4 employed at the Wisconsin Veterans Home, or guard or institutional aide or a state  
5 probation, extended supervision and parole officer or any other employe whose  
6 duties include supervision and discipline of inmates or wards of the state at a state  
7 ~~penal~~ correctional institution, including a secured correctional facility, as defined in  
8 s. 938.02 (15m), or while on parole supervision or extended supervision outside of the  
9 confines of the institutions, or supervision of persons placed on probation by a court  
10 of record, or supervision and care of patients at a state mental institution, and the  
11 University of Wisconsin Hospitals and Clinics suffers injury while in the  
12 performance of his or her duties, as defined in subs. (2) and (3); or any other state  
13 employe who is not listed in this subsection and who is ordered by his or her  
14 appointing authority to accompany any employe listed in this subsection while the  
15 listed employe is engaged in the duties defined in sub. (3), or any other state employe  
16 who is not listed in this subsection and who is ordered by his or her appointing  
17 authority to perform the duties, when permitted, in lieu of the listed employe and  
18 while so engaged in the duties defined in sub. (3), suffers injury as defined in sub.  
19 (2) the employe shall continue to be fully paid by the employing agency upon the same  
20 basis as paid prior to the injury, with no reduction in sick leave credits, compensatory  
21 time for overtime accumulations or vacation and no reduction in the rate of earning  
22 sick leave credit or vacation. The full pay shall continue while the employe is unable  
23 to return to work as the result of the injury or until the termination of his or her  
24 employment upon recommendation of the appointing authority. At any time during  
25 the employe's period of disability the appointing authority may order physical or

1 medical examinations to determine the degree of disability at the expense of the  
2 employing agency.

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

4 230.36 (3) (c) (intro.) A guard, institution aide, or other employe at the  
5 University of Wisconsin Hospitals and Clinics or at a state ~~penal~~ correctional or  
6 mental institution, including a secured correctional facility, as defined in s. 938.02  
7 (15m), and a state probation, extended supervision and parole officer, at all times  
8 while:

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

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

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

18 252.02 (4) The department may promulgate and enforce rules or issue orders  
19 for guarding against the introduction of any communicable disease into the state, for  
20 the control and suppression of communicable diseases, for the quarantine and  
21 disinfection of persons, localities and things infected or suspected of being infected  
22 by a communicable disease and for the sanitary care of jails, state prisons, mental  
23 health institutions, schools, hotels and public buildings and connected premises.  
24 Any rule or order may be made applicable to the whole or any specified part of the  
25 state, or to any vessel or other conveyance. The department may issue orders for any

1 city, village or county by service upon the local health officer. Rules that are  
2 promulgated and orders that are issued under this subsection supersede conflicting  
3 or less stringent local regulations, orders or ordinances.

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

5 252.02 (5) If any public officer or employe or any person in charge of any  
6 building, vessel, conveyance, jail, ~~state~~ prison, mental health institution or school  
7 fails to comply with a rule promulgated or order issued under sub. (4), the  
8 department may appoint an agent to execute its rules or orders. Expenses that an  
9 agent incurs shall be paid by the unit of government that employs the person or of  
10 which the public officer is a member. If the building, vessel, conveyance, prison,  
11 mental health institution or school is privately owned the state shall pay the  
12 expenses that the agent incurs.

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

14 252.06 (6) (b) When a person confined in a jail, ~~state~~ prison, mental health  
15 institute or other public place of detention has a disease which the local health officer  
16 or the director of health at the institution deems dangerous to the health of other  
17 residents or the neighborhood, the local health officer or the director of health at the  
18 institution shall order in writing the removal of the person to a hospital or other place  
19 of safety, there to be provided for and securely kept. Upon recovery the person shall  
20 be returned; and if the person was committed by a court or under process the removal  
21 order or a copy shall be returned by the local health officer to the committing court  
22 officer.

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

1           252.08 (4) (a) Care of patients transferred to facilities approved under this  
2 section from state institutions or from state ~~penal~~ correctional institutions under s.  
3 304.115.

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

6           252.14 (1) (ad) (intro.) “Correctional officer” ~~has the meaning given~~ means any  
7 of the following:

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

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

10          252.14 (1) (ad) 2. A person employed by a private prison operating under a  
11 contract under s. 302.21 (3) whose principal duty is the supervision of inmates at the  
12 private prison.

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

15          252.15 (1) (ad) (intro.) “Correctional officer” ~~has the meaning given~~ means any  
16 of the following:

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

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

19          252.15 (1) (ad) 2. A person employed by a private prison operating under a  
20 contract under s. 302.21 (3) whose principal duty is the supervision of inmates at the  
21 private prison.

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

23          292.65 (1) (d) 6. A facility that is located at a prison or other ~~penal~~ correctional  
24 institution.

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

1           301.01 (2g) “Private prison” means a private prison operating under a contract  
2 under s. 301.21 (3).

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

4           301.03 (2r) Conduct drug testing of prospective parolees or persons to be placed  
5 on extended supervision who have undergone treatment while in state prison.

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

7           301.03 (9) Supervise all persons placed under s. 48.366 (8) or 938.183 in a state  
8 prison.

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

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

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

24          301.048 (4) (b) The department shall operate the program as a correctional  
25 institution. The secretary may allocate and reallocate existing and future facilities



1 as part of the institution. The institution is subject to s. 301.02 and is a state prison  
2 as defined in under s. 302.01. Construction or establishment of the institution shall  
3 be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the  
4 exemptions under s. 13.48 (13), construction or establishment of facilities for the  
5 institution are not subject to the ordinances or regulations relating to zoning,  
6 including zoning under ch. 91, of the county and municipality in which the  
7 construction or establishment takes place and are exempt from inspections required  
8 under s. 301.36.

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

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

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

21 301.12 (2m) The liability specified in sub. (2) shall not apply to persons 17 and  
22 older receiving care, maintenance, services and supplies provided by ~~prisons named~~  
23 ~~in s. 302.01~~ a prison.

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

1           **301.13 Minimum security correctional institutions.** The department  
2           may establish and operate minimum security correctional institutions. The  
3           secretary may allocate and reallocate existing and future facilities as part of these  
4           institutions. The institutions are subject to s. 301.02 and are state prisons as defined  
5           in s. 302.01. ~~Inmates from Wisconsin state~~ sentenced to the Wisconsin state prisons  
6           may be transferred to these institutions ~~and they shall be~~ as provided under s.  
7           302.18. Inmates transferred to the institutions under this section are subject to all  
8           laws pertaining to inmates of other ~~penal institutions of the state~~ prisons under s.  
9           302.01. Officers and employes of the institutions shall be subject to the same laws  
10          as pertain to other ~~penal institutions~~ state prisons under s. 302.01. Inmates shall  
11          not be received on direct commitment from the courts. In addition to the exemptions  
12          under s. 13.48 (13), construction or establishment of facilities at institutions which  
13          are community correctional residential centers initially established prior to July 2,  
14          1983, shall not be subject to the ordinances or regulations relating to zoning,  
15          including zoning under ch. 91, of the county and municipality in which the  
16          construction or establishment takes place. The department shall establish a  
17          procedure for soliciting responses from interested communities and persons  
18          regarding potential sites for the institutions under this section, except the procedure  
19          does not apply to the 125-bed community correctional center in the city of Waupun.  
20          The department shall consider locations proposed under this procedure and may  
21          consider any other locations on its own initiative. The department need not  
22          promulgate rules regarding the site consideration procedures under this section.

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

24           **301.14 State-local shared correctional facilities.** In cooperation with any  
25          county or group of counties, the department may contract for the establishment and

1 operation of state-local shared correctional facilities under s. 302.45. Except as  
2 provided in s. 302.45 (4), the secretary may allocate and reallocate existing and  
3 future facilities as state-local shared correctional facilities. The shared facilities  
4 ~~shall be~~ are institutions under s. 301.02 and ~~shall be~~ are state prisons under s.  
5 302.01. Inmates ~~from~~ sentenced to the Wisconsin state prisons may be transferred  
6 to these facilities ~~and, except as provided under s. 302.18. Except as to any separate~~  
7 rules established in the contract governing a shared facility, ~~shall be~~ inmates  
8 transferred to shared facilities under this section are subject to all laws pertaining  
9 to inmates of other ~~penal institutions of this state~~ prisons under s. 302.01. Officers  
10 and employes of the facilities shall be subject to the same laws as pertain to other  
11 ~~penal institutions~~ state prisons under s. 302.01. Inmates may not be received on  
12 direct commitment from the courts.

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

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

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

24 **301.16 (1r)** In addition to the institutions under sub. (1), the department shall  
25 establish a medium security correctional institution for persons 15 years of age or

1 over, but not more than 21 years of age, who have been placed in a state prison under  
2 s. 302.01. The medium security correctional institution under this subsection shall  
3 be known as the Racine Youthful Offender Correctional Facility and shall be located  
4 at the intersection of Albert Street and North Memorial Drive in the city of Racine.  
5 The department shall limit the number of prisoners who may be placed at the Racine  
6 Youthful Offender Correctional Facility to no more than 400 at any one time.

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

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

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

16 **301.21 (title) Contracts for the transfer and confinement of Wisconsin**  
17 **prisoners in other states.**

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

19 301.21 (1m) (title) CONTRACTS WITH OTHER STATES OR POLITICAL SUBDIVISIONS OF  
20 OTHER STATES.

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

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

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

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

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

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

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

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

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

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

16 1. A termination date.

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

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

25 4. Delivery and retaking of prisoners.

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

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

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

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

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

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

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

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

21          301.21 (6) (title) APPROVAL REQUIRED.

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

23          301.26 (4) (cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall  
24          transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations  
25          under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile

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

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

13 301.26 (4) (cm) 2. Notwithstanding pars. (a), (b) and (bm), the department shall  
14 transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations  
15 under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile  
16 correctional institutions, secured child caring institutions, as defined in s. 938.02  
17 (15g), alternate care providers, aftercare supervision providers and corrective  
18 sanctions supervision providers for costs incurred beginning on July 1, 1996, for the  
19 care of any juvenile 14 years of age or over and under 18 years of age who has been  
20 placed in a juvenile correctional facility institution under s. 48.366 based on a  
21 delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

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

23 301.28 (1) In this section, “correctional officer” means any person classified as  
24 a correctional officer employed by the state whose principal duty is the supervision  
25 of inmates at a state prison, ~~as defined in~~ under s. 302.01.

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

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

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

10          301.29 (3) The department shall investigate complaints against any  
11 institution under its jurisdiction, including a private prison, or against the officers  
12 or employes of the institutions. For that purpose, the secretary and such officers and  
13 employes as the secretary authorizes may summon and swear witnesses, take  
14 testimony and compel the production of books and papers. On its own initiative, the  
15 department may investigate the affairs of any institution. Any written  
16 communication or complaint addressed to the secretary by any inmate, employe or  
17 subordinate of an institution shall be immediately forwarded unopened to the  
18 addressee.

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

20          301.32 (1) **PROPERTY DELIVERED TO WARDEN OR SUPERINTENDENT; CREDIT AND DEBIT.**  
21 All money and other property delivered to an employe of any state correctional  
22 institution or private prison for the benefit of a prisoner or resident shall be delivered  
23 to the warden or superintendent, who shall enter the property upon his or her  
24 accounts to the credit of the prisoner or resident. The property may be used only  
25 under the direction and with the approval of the superintendent or warden and for



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

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

16 301.33 (1) Subject to reasonable exercise of the privilege, members of the clergy  
17 of all religious faiths shall have an opportunity, at least once each week, to conduct  
18 religious services within the state correctional institutions and within a private  
19 prison. Attendance at the services is voluntary.

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

21 301.36 (1) **GENERAL AUTHORITY.** The department shall investigate and  
22 supervise all of the state correctional institutions and all secure detention facilities  
23 and shall investigate all private prisons. The department shall familiarize itself  
24 with all of the circumstances affecting their the management and usefulness of the  
25 institutions, facilities and private prisons it investigates under this subsection.

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

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

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

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

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

9           **302.01 State prisons named and defined listed.** The penitentiary  
10 institution at Waupun is named “Waupun Correctional Institution”. The  
11 correctional treatment center at Waupun is named “Dodge Correctional Institution”.  
12 The penitentiary institution at Green Bay is named “Green Bay Correctional  
13 Institution”. The medium/maximum penitentiary institution at Portage is named  
14 “Columbia Correctional Institution”. The medium security institution at Oshkosh  
15 is named “Oshkosh Correctional Institution”. The medium security penitentiary  
16 institution near Fox Lake is named “Fox Lake Correctional Institution”. The  
17 penitentiary institution at Taycheedah is named “Taycheedah Correctional  
18 Institution”. The medium security penitentiary institution at Plymouth is named  
19 “Kettle Moraine Correctional Institution”. The penitentiary institution at the  
20 village of Sturtevant in Racine county is named “Racine Correctional Institution”.  
21 The medium security penitentiary institution at Racine is named “Racine Youthful  
22 Offender Correctional Facility”. The resource facility at Oshkosh is named  
23 “Wisconsin Resource Center”. The institutions named in this section, the  
24 correctional institution authorized under s. 301.16 (1n), correctional institution  
25 authorized under 1997 Wisconsin Act 4, section 4 (1) (a), correctional institution

1 authorized under s. 301.046 (1), correctional institution authorized under s. 301.048  
2 (4) (b), minimum security correctional institutions authorized under s. 301.13, and  
3 state-local shared correctional facilities when established under s. 301.14, are state  
4 prisons.

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

6 **302.02 (title) Jurisdiction and extent of state correctional institutions**  
7 **and private prisons; service of process therein.**

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

9 302.02 (3t) INSTITUTIONS LOCATED IN OTHER STATES; PRIVATE PRISONS. For all  
10 purposes of discipline and for judicial proceedings, each institution that is ~~located in~~  
11 ~~another state and~~ authorized for use under s. 301.21 and the precincts of the  
12 institution shall be deemed to be in a county in which the institution is physically  
13 located, and the courts of that county shall have jurisdiction of any activity, wherever  
14 located, conducted by the institution.

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

16 302.02 (5) (a) Service of process may be made on the warden or superintendent  
17 of ~~any a~~ a prison ~~named in s. 302.01~~ as upon any other resident of this state.

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

19 302.02 (5) (b) Except as provided in par. (a), service of process within any such  
20 a prison on any officer or employe or inmate thereof shall be made by the warden or  
21 superintendent or some person appointed by the warden or superintendent to serve  
22 process.

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

24 **302.04 (title) Duties of warden and superintendents of state prisons.**

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

1           302.05 (1) (intro.) The department of corrections and the department of health  
2 and family services may designate a section of a mental health institute as a  
3 correctional treatment facility for the treatment of substance abuse of inmates  
4 transferred from ~~Wisconsin state prisons~~ a prison. This section shall be  
5 administered by the department of corrections and shall be known as the Wisconsin  
6 substance abuse program. The department of corrections and the department of  
7 health and family services shall ensure that the residents at the institution and the  
8 residents in the substance abuse program:

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

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

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

22           **302.07 Maintenance of order.** The warden or superintendent of a prison  
23 shall maintain order, enforce obedience, suppress riots and prevent escapes. For  
24 such purposes the warden or superintendent may command the aid of the officers of  
25 the institution and of persons outside of the prison; and any person who fails to obey

1 such command shall be punished by imprisonment in the county jail not more than  
2 one year or by a fine not exceeding \$500. The warden or superintendent may adopt  
3 proper means to capture escaped inmates.

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

5 **302.08 Humane treatment and punishment.** The ~~wardens and the~~  
6 ~~superintendents~~ warden, superintendent and all ~~prison~~ officials and employes of a  
7 prison shall uniformly treat the inmates with kindness. There shall be no corporal  
8 or other painful and unusual punishment inflicted upon inmates.

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

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

21 **SECTION 130.** 302.095 (2) of the statutes, as affected by 1997 Wisconsin Acts  
22 283 and 1999 Wisconsin Act .... (this act), is repealed and recreated to read:

23 302.095 (2) Any officer or other person who delivers or procures to be delivered  
24 or has in his or her possession with intent to deliver to any inmate confined in a jail  
25 or prison, or who deposits or conceals in or about a jail or prison, or the precincts of

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

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

10 **302.13 Preservation of property an inmate brings to prison.** The  
11 department shall preserve money and effects, except clothes, in the possession of an  
12 inmate when admitted to the ~~prison~~ Wisconsin state prisons and, subject to the crime  
13 victim and witness assistance surcharge under s. 973.045 (4) and the  
14 deoxyribonucleic acid analysis surcharge under s. 973.046, shall restore the money  
15 and effects to the inmate when discharged.

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

17 **302.15 Activities off grounds.** The wardens and superintendents of the state  
18 prisons, and all wardens and superintendents of county prisons, jails, camps and  
19 houses of correction enumerated in ch. 303, and the warden or superintendent of a  
20 private prison may take inmates away from the institution grounds for rehabilitative  
21 and educational activities approved by the department and under such supervision  
22 as the superintendent or warden deems necessary. While away from the institution  
23 grounds an inmate is deemed to be under the care and control of the institution in  
24 which he or she is an inmate and subject to its rules and discipline.

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

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

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

7           302.18 (2) Inmates of a county house of correction may be transferred to a state  
8 prison. If any county discontinues its house of correction, inmates at the time of the  
9 discontinuance may be transferred to ~~the state a~~ prison or to the county jail of the  
10 county as the commitment indicates.

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

12          302.18 (4) With each person transferred to a state prison from another  
13 institution, the warden or superintendent of such other institution shall transmit  
14 the original commitment and the institutional record pertaining to such person.

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

16          302.18 (5) Any person who is legally transferred by the department to a ~~penal~~  
17 ~~correctional~~ institution shall be subject to the same statutes, regulations and  
18 discipline as if the person had been originally sentenced to that institution, but the  
19 transfer shall not change the term of sentence.

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

21          **302.255 Interstate corrections compact; additional applicability.**

22          “Inmate”, as defined under s. 302.25 (2) (a), includes persons subject to an order  
23 under s. 48.366 who are confined to a state prison under s. 302.01 and persons subject  
24 to an order under s. 938.34 (4h) who are 17 years of age or older.

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

1           **302.26 Corrections compact; contracts with other states; approval.**

2           The secretary is responsible for performing all functions necessary or incidental to  
3           carrying out the requirements of the interstate corrections compact under s. 302.25.

4           The secretary may delegate and redelegate any of the functions as provided in s.  
5           15.02 (4). If a contract under s. 301.21 or 302.25 involves the transfer of more than  
6           10 prisoners in any fiscal year to any one state ~~or to~~, any one political subdivision of  
7           another state or any one private prison, the contract may be entered into only if it  
8           is approved by the legislature by law or by the joint committee on finance.

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

10           **302.27 Contracts for temporary housing for or detention of prisoners.**

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

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

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

18           **302.28 Private prisons; limitation.** A private person operating a private  
19           prison in this state may confine in that prison only prisoners transferred to the prison  
20           pursuant to a contract under s. 301.21 (3). ~~The private person may not confine~~

21           ~~prisoners from states other than Wisconsin in the private prison.~~

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

23           **302.31 Use of jails.** The county jail may be used for the detention of persons  
24           charged with crime and committed for trial; for the detention of persons committed  
25           to secure their attendance as witnesses; to imprison persons committed pursuant to



1 a sentence or held in custody by the sheriff for any cause authorized by law; for the  
2 detention of persons sentenced to imprisonment in the Wisconsin state penal  
3 institutions prisons or a county house of correction, until they are removed to those  
4 institutions; for the detention of persons participating in the intensive sanctions  
5 program; for the temporary detention of persons in the custody of the department;  
6 and for other detentions authorized by law. The county jail may be used for the  
7 temporary placement of persons in the custody of the department, other than persons  
8 under 17 years of age, and persons who have attained the age of 17 years but have  
9 not attained the age of 25 years who are under the supervision of the department  
10 under s. 48.366 or 938.355 (4) and who have been taken into custody pending  
11 revocation of aftercare supervision under s. 48.366 (5) or 938.357 (5) (e).

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

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

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

22 **302.385 Correctional institution health care.** The standards for delivery  
23 of health services in state correctional institutions governed under s. 301.02 and  
24 private prisons shall be based on the standards of any professional organization that

1 establishes standards for health services in prisons and that is recognized by the  
2 department.

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

4 302.386 (1) Except as provided in sub. (5), liability for medical and dental  
5 services furnished to residents housed in ~~prisons identified in s. 302.01~~ a prison or  
6 in a secured correctional facility as defined in s. 938.02 (15m), or in a secured child  
7 caring institution, as defined in s. 938.02 (15g), or to forensic patients in state  
8 institutions for those services which are not provided by employes of the department  
9 shall be limited to the amounts payable under ss. 49.43 to 49.47, except s. 49.468, for  
10 similar services. The department may waive any such limit if it determines that  
11 needed services cannot be obtained for the applicable amount. No provider of  
12 services may bill the resident or patient for the cost of services exceeding the amount  
13 of the liability under this subsection.

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

15 302.386 (2) (intro.) The liability of the state for medical and dental services  
16 under sub. (1) does not extend to that part of the medical or dental services of a  
17 resident housed in a ~~prison identified in s. 302.01~~, a secured correctional facility as  
18 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02  
19 (15g), for which any of the following applies:

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

21 302.386 (3) (a) Except as provided in par. (b), the department may require a  
22 resident housed in a ~~prison identified in s. 302.01~~ or in a secured correctional facility  
23 as defined in s. 938.02 (15m) who earns wages during residency and who receives  
24 medical or dental services to pay a deductible, coinsurance, copayment or similar

1 charge upon the medical or dental service that he or she receives. The department  
2 shall collect the allowable deductible, coinsurance, copayment or similar charge.

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

4 302.45 (1) The department and any county or group of counties may contract  
5 for the cooperative establishment and use of state–local shared correctional  
6 facilities. Inmates sentenced to the Wisconsin state prisons, a county jail, a county  
7 reforestation camp or a county house of correction may be transferred to a shared  
8 facility by the department, sheriff or superintendent, respectively, under the  
9 agreement covering use of the facility. Any inmate confined in a state–local shared  
10 correctional facility shall be deemed to be serving time in the ~~penal~~ correctional  
11 institution to which he or she was sentenced and shall be eligible to earn good time  
12 credit against his or her sentence as provided under ss. 302.11, 302.12~~;~~, 302.43~~;~~,  
13 303.07 and 303.19 for that institution.

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

15 303.06 (1) Except as authorized in this section, no goods, except farm  
16 machinery, farm implements and tools, cordage rope and ply goods, manufactured  
17 wholly or partly by inmates in any state, city or county ~~penal~~ correctional institution  
18 may be offered for sale in the open market.

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

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

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

2           303.065 (1) (a) Except as provided in par. (b), the department may grant work  
3 release privileges to any person incarcerated ~~within the state prisons~~ in a prison.

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

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

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

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

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

1           303.19 (4) The county board may, pursuant to its regulations approved by the  
2 department, extend to those prisoners similar pecuniary earnings and rewards,  
3 subject to similar conditions and limitations as those prescribed by s. 302.12 for  
4 prisoners ~~in~~ sentenced to the Wisconsin state prisons.

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

6           303.21 (1) (a) If an inmate of a state correctional institution or private prison,  
7 in the performance of assigned work is injured so as to be permanently incapacitated  
8 or to have materially reduced earning power, the inmate may, upon being released  
9 from such institution, either upon release on parole or extended supervision or upon  
10 final discharge, be allowed and paid such compensation as the department of  
11 workforce development finds the inmate entitled to. The inmate shall be  
12 compensated on the same basis as if the injury had been covered by ch. 102, except  
13 that the total paid to any inmate may not exceed \$10,000 and may be paid in  
14 instalments. If the injury results from employment in a prison industry, the payment  
15 shall be made from the revolving appropriation for its operation. If there is no  
16 revolving appropriation, payment shall be made from the general fund. In case of  
17 dispute, the procedure for hearing, award and appeal shall be as set forth in ss.  
18 102.16 to 102.26.

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

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

1 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an  
2 inmate serving a life term when he or she has served 20 years, as modified by the  
3 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if  
4 applicable. The person serving the life term shall be given credit for time served prior  
5 to sentencing under s. 973.155, including good time under s. 973.155 (4). The  
6 secretary may grant special action parole releases under s. 304.02. The department  
7 or the parole commission shall not provide any convicted offender or other person  
8 sentenced to the department's custody any parole eligibility or evaluation until the  
9 person has been confined at least 60 days following sentencing.

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

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

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

1           **304.115 Emergency removal.** When an emergency exists which in the  
2 opinion of the secretary makes it advisable, the secretary may permit the temporary  
3 removal of a convicted person for such period and upon such conditions as the  
4 secretary determines. The secretary may delegate this authority to the deputy ~~and,~~  
5 the wardens and superintendents of the state prisons and the warden or  
6 superintendent of a private prison.

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

8           447.06 (2) (a) 4. For a facility, as defined in s. 50.01 (1m), a hospital, as defined  
9 in s. 50.33 (2), a state or federal prison, county jail or other federal, state, county or  
10 municipal correctional institution or detention facility, or a facility established to  
11 provide care for terminally ill patients.

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

13           **782.03 Petition for writ.** Application for the writ shall be by petition, signed  
14 either by the prisoner or by some person in his or her behalf, and may be made to the  
15 supreme court, the court of appeals or the circuit court of the county, or to any justice  
16 or judge of the supreme court, court of appeals or circuit court or to any court  
17 commissioner, within the county where the prisoner is detained; or if there is no  
18 judge within the county, or for any cause he or she is incapable of acting, or has  
19 refused to grant the writ, then to some judge residing in an adjoining county; but  
20 every application, made by or on behalf of a person sentenced to the Wisconsin state  
21 prisons, must contain a copy of any motion made under s. 974.06 and shall indicate  
22 the disposition of the motion and the court in which the disposition was made. If no  
23 motion was made, the petition shall so state.

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

25           **782.45 (title) Witness fees, inmates of state certain institutions.**

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

2           782.45 (1) If an inmate of any public institution or private prison operating  
3 under a contract under s. 301.21 (3) is brought into court in response to a writ of  
4 habeas corpus or subpoena, the institution or private prison shall be reimbursed for  
5 the time of the officer conducting the inmate and the actual and necessary traveling  
6 expenses incurred in taking the inmate into court on the process and returning the  
7 inmate to the institution or private prison. The superintendent of the institution or  
8 private prison shall file with the clerk of the court a statement of the expenses. The  
9 clerk shall certify the expenses to the county treasurer, who shall pay to the  
10 superintendent of the institution or private prison the amount so certified, but in a  
11 civil action, such expenses shall be paid by the party requesting the presence of the  
12 inmate.

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

14           782.45 (2) In lieu of the procedure under sub. (1) the department of health and  
15 family services and the department of corrections, upon 48 hours' advance notice,  
16 shall release to any sheriff having a suitable jail approved by the department of  
17 corrections for this purpose any prisoner upon presentation of a writ of habeas corpus  
18 to the warden or superintendent of the institution or private prison which is  
19 detaining the inmate. The sheriff shall be informed in advance where the sheriff may  
20 assume custody of the inmate and the sheriff then shall be in charge of the inmate  
21 and be responsible for the inmate's custody. During the time that an inmate is absent  
22 from the state institution or private prison and in the custody of the sheriff the  
23 inmate shall be entitled to credit for time served on the existing sentence and such  
24 credit under s. 302.11 that he or she was eligible to receive while an inmate of the  
25 state institution or private prison. The sheriff shall be responsible for segregating



1 the inmate in the jail from other prisoners and the county shall be liable for all  
2 expenses attendant to his or her detention including medical care. The inmate while  
3 in the custody of the sheriff shall not be permitted to have visitors or to receive mail  
4 except as authorized and approved by the warden or superintendent of the state  
5 institution or private prison which formerly detained the inmate but shall be entitled  
6 to confer with counsel during reasonable hours without restriction. After the court  
7 has determined that the inmate is no longer needed or required, the sheriff shall  
8 promptly return the inmate to the institution or private prison to which detained  
9 prior to the release to the sheriff for appearance in court.

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

11 801.02 (7) (a) 1. "Correctional institution" means any state or local or private  
12 facility that incarcerates or detains any adult accused of, charged with, convicted of,  
13 or sentenced for any crime. A correctional institution includes a Type 1 prison, as  
14 defined in s. 301.01 (5), a Type 2 prison, as defined in s. 301.01 (6), a private prison  
15 operating under a contract under s. 301.21 (3), a county jail and a house of correction.

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

17 813.02 (1) (c) 1. The If the case involves a prisoner in a correctional institution,  
18 as defined in s. 801.02 (7) (a) 1., the court may not issue the injunction until giving  
19 notice and an opportunity to be heard on the request for a preliminary injunction to  
20 all interested parties, including the attorney general, if the case involves a prisoner  
21 in a state correctional institution, as defined in s. 801.02 (7) (a) 1. is operated by the  
22 state or is a private prison operating under a contract under s. 301.21 (3), or to the  
23 attorney representing the local correctional institution involved and to all other  
24 interested parties, if the correctional institution is operated by a political subdivision

1 of the state. Any injunction issued without giving notice and an opportunity to be  
2 heard is void.

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

4 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.  
5 (1m) or (2) attains the age of 17 years, the department may place the juvenile in a  
6 state prison ~~named in s. 302.01~~. If a juvenile who is subject to a criminal penalty  
7 under sub. (1m) or (2) is 15 years of age or over, the department may transfer the  
8 juvenile to the Racine youthful offender correctional facility named in s. 302.01 as  
9 provided in s. 938.357 (4) (d). A juvenile who is subject to a criminal penalty under  
10 sub. (1m) or (2) for an act committed before December 31, 1999, is eligible for parole  
11 under s. 304.06.

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

13 938.78 (2) (d) 3. Subject to an order under s. 48.366 or 938.183 and placed in  
14 a state prison under s. 48.366 (8) or 938.183.

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

16 938.992 (3) Notwithstanding s. 938.991 (3) (b), "delinquent juvenile" does not  
17 include a person subject to an order under s. 48.366 who is confined to a state prison  
18 ~~under s. 302.01~~ or a person subject to an order under s. 938.34 (4h) who is 17 years  
19 of age or over.

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

21 939.62 (3) (b) In case of crimes committed in other jurisdictions, the terms do  
22 not include those crimes which are equivalent to motor vehicle offenses under chs.  
23 341 to 349 or to offenses handled through proceedings in the court assigned to  
24 exercise jurisdiction under chs. 48 and 938. Otherwise, felony means a crime which  
25 under the laws of that jurisdiction carries a prescribed maximum penalty of

1 imprisonment in a prison ~~or penitentiary~~ for one year or more. Misdemeanor means  
2 a crime which does not carry a prescribed maximum penalty sufficient to constitute  
3 it a felony and includes crimes punishable only by a fine.

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

5 940.20 (1) BATTERY BY PRISONERS. Any prisoner confined to a state prison ~~or~~  
6 other, a state, county or municipal detention facility or a private prison operating  
7 under a contract under s. 301.21 (3) who intentionally causes bodily harm to an  
8 officer, employe, visitor or another inmate of such prison, facility or institution,  
9 without ~~his or her~~ the consent of the person injured, is guilty of a Class D felony.

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

11 **940.29 Abuse of residents of penal facilities correctional institutions.**

12 Any person in charge of or employed in a ~~penal or~~ correctional institution or other  
13 place of confinement who abuses, neglects or ill-treats any person confined in or a  
14 resident of any such institution or place or who knowingly permits another person  
15 to do so is guilty of a Class E felony.

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

17 941.237 (1) (b) "Correctional officer" means any person employed by the state  
18 ~~or, by~~ any political subdivision of the state or by a private prison operating under a  
19 contract under s. 301.21 (3) as a guard or officer whose principal duties are the  
20 supervision and discipline of inmates.

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

22 **946.43 Assaults by prisoners.** Any prisoner confined to a state prison or  
23 ~~other,~~ a state, county or municipal detention facility or a private prison operating  
24 under a contract under s. 301.21 (3) who intentionally does any of the following is  
25 guilty of a Class C felony:

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

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

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

7           946.44 (2) (c) "Institution" includes a private prison operating under a contract  
8 under s. 301.21 (3), a secured correctional facility, as defined in s. 938.02 (15m), a  
9 secured child caring institution, as defined in s. 938.02 (15g), and a Type 2 child  
10 caring institution, as defined in s. 938.02 (19r).

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

12           946.45 (2) (c) "Institution" includes a private prison operating under a contract  
13 under s. 301.21 (3), a secured correctional facility, as defined in s. 938.02 (15m), a  
14 secured child caring institution, as defined in s. 938.02 (15g), and a Type 2 child  
15 caring institution, as defined in s. 938.02 (19r).

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

17           946.47 (2) (b) A person who commits an act within the jurisdiction of another  
18 state which is punishable by imprisonment for one year or more in a state prison or  
19 penitentiary under the law of that state and would, if committed in this state,  
20 constitute a felony under the law of this state.

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

22           **946.73   Penalty for violating laws governing state or county**  
23 **institutions or private prisons.** Whoever violates any state law or any lawful rule  
24 made pursuant to state law governing state fair park or any state or county

1 charitable, curative, reformatory, or ~~penal~~ correctional institution while within the  
2 same or the grounds thereof is guilty of a Class C misdemeanor.

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

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

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

7 950.04 (1v) (v) To have the department of corrections make a reasonable  
8 attempt to notify the victim under s. 301.046 (4) regarding community residential  
9 confinements, under s. 301.048 (4m) regarding participation in the intensive  
10 sanctions program, under s. 301.38 regarding escapes from a Type 1 prison or a  
11 private prison, under s. 301.46 (3) regarding persons registered under s. 301.45,  
12 under s. 302.115 regarding release upon expiration of certain sentences, under s.  
13 304.063 regarding extended supervision and parole releases, and under s. 938.51  
14 regarding release or escape of a juvenile from correctional custody.

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

16 961.01 (12m) (am) A private prison operating under a contract under s. 301.21  
17 (3).

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

19 961.48 (2) If any person is charged under sub. (2m) with a 2nd or subsequent  
20 offense under this chapter that is specified in s. 961.41 (1) (cm), (d), (e), (f), (g) or (h),  
21 (1m) (cm), (d), (e), (f), (g) or (h) or (3g) (a) 2., (c), (d) or (e), and he or she is convicted  
22 of that 2nd or subsequent offense, any applicable minimum and maximum fines and  
23 minimum and maximum periods of imprisonment under s. 961.41 (1) (cm), (d), (e),  
24 (f), (g) or (h), (1m) (cm), (d), (e), (f), (g) or (h) or (3g) (a) 2., (c), (d) or (e) are doubled.  
25 A person convicted of a 2nd or subsequent offense under s. 961.41 (3g) (c), (d) or (e)

1 is guilty of a felony and the person may be imprisoned in the Wisconsin state prison  
2 prisons.

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

4 968.255 (7) (a) Is serving a sentence, pursuant to a conviction, in a jail, state  
5 prison or house of correction.

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

7 971.11 (1) Whenever the ~~warden or superintendent~~ department receives notice  
8 of an untried criminal case pending in this state against an inmate of a state prison,  
9 the ~~warden or superintendent~~ department shall, at the request of the inmate, send  
10 by certified mail a written request to the district attorney for prompt disposition of  
11 the case. The request shall state the sentence then being served, the date of parole  
12 eligibility, if applicable, or the date of release to extended supervision, the  
13 approximate discharge or conditional release date, and prior decision relating to  
14 parole. If there has been no preliminary examination on the pending case, the  
15 request shall state whether the inmate waives such examination, and, if so, shall be  
16 accompanied by a written waiver signed by the inmate.

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

18 971.11 (2) If the crime charged is a felony, the district attorney shall either  
19 move to dismiss the pending case or arrange a date for preliminary examination as  
20 soon as convenient and notify the ~~warden or superintendent of the prison thereof~~  
21 department, unless such examination has already been held or has been waived.  
22 After the preliminary examination or upon waiver thereof, the district attorney shall  
23 file an information, unless it has already been filed, and mail a copy thereof to the  
24 ~~warden or superintendent~~ department for service on the inmate. The district

1 attorney shall bring the case on for trial within 120 days after receipt of the request  
2 subject to s. 971.10.

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

4 973.013 (3m) If a person who has not attained the age of 16 years is sentenced  
5 to the Wisconsin state prisons, the department of corrections shall place the person  
6 at a secured juvenile correctional facility or a secured child caring institution, unless  
7 the department of corrections determines that placement in ~~an institution under s.~~  
8 ~~302.01~~ a prison is appropriate based on the person's prior record of adjustment in a  
9 correctional setting, if any; the person's present and potential vocational and  
10 educational needs, interests and abilities; the adequacy and suitability of available  
11 facilities; the services and procedures available for treatment of the person within  
12 the various institutions; the protection of the public; and any other considerations  
13 promulgated by the department of corrections by rule. This subsection does not  
14 preclude the department of corrections from designating an adult correctional  
15 institution as a reception center for the person and subsequently transferring the  
16 person to a secured juvenile correctional facility or a secured child caring institution.  
17 Section 302.11 and ch. 304 apply to all persons placed in a secured juvenile  
18 correctional facility or a secured child caring institution under this subsection.

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

20 973.0135 (2) (intro.) Except as provided in sub. (3), when a court sentences a  
21 prior offender to imprisonment in a the Wisconsin state prison prisons for a serious  
22 felony committed on or after April 21, 1994, but before December 31, 1999, the court  
23 shall make a parole eligibility determination regarding the person and choose one  
24 of the following options:

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

1           973.03 (2) A defendant sentenced to the Wisconsin state prisons and to a county  
2 jail or house of correction for separate crimes shall serve all sentences, whether  
3 concurrent or consecutive, in ~~the state prisons~~ prison.

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

5           973.045 (4) If an inmate in a state prison or a person sentenced to a the  
6 Wisconsin state ~~prison~~ prisons has not paid the crime victim and witness assistance  
7 surcharge under this section, the department shall assess and collect the amount  
8 owed from the inmate's wages or other moneys. Any amount collected shall be  
9 transmitted to the state treasurer.

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

11          973.046 (4) If an inmate in a state prison or a person sentenced to a the  
12 Wisconsin state ~~prison~~ prisons has not paid the deoxyribonucleic acid analysis  
13 surcharge under this section, the department shall assess and collect the amount  
14 owed from the inmate's wages or other moneys. Any amount collected shall be  
15 transmitted to the state treasurer.

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

17          973.08 (1) When any defendant is sentenced to the Wisconsin state prisons, a  
18 copy of the judgment of conviction and a copy of any order for restitution under s.  
19 973.20 shall be delivered by the officer executing the judgment to the warden or  
20 superintendent of the institution when the prisoner is delivered.

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

22          973.18 (4) The judge shall direct the defendant's counsel to confer with the  
23 defendant before signing the form, during the proceeding or as soon thereafter as  
24 practicable, and may make appropriate orders to allow the defendant to confer with



1 counsel before being transferred to the Wisconsin state ~~prison~~ prisons. The  
2 defendant shall be given a copy of the form.

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

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

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

10 990.01 (5w) CORRECTIONAL INSTITUTION. “Correctional institution” includes a  
11 prison, jail, house of correction and any other place of penal detention.

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

13 990.01 (30g) PRISON. “Prison” includes a state prison under s. 302.01 and a  
14 private prison operating under a contract under s. 301.21 (3). “Prison” does not  
15 include a federal correctional institution.

16 **SECTION 194. Effective dates.** This act takes effect on the day after  
17 publication, except as follows:

18 (1) The repeal and recreation of section 302.095 (2) of the statutes takes effect  
19 on December 31, 1999.

20 (2) The repeal and recreation of section 51.35 (3) (c) and (e) of the statutes takes  
21 effect on December 1, 2001.

22 (END)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0475/lins  
JEO:.....

**ANALYSIS INSERT:**

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

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

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

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

**SUBMITTAL  
FORM**

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

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

Date: 2/12/99

To: Representative Walker

Relating to LRB drafting number: LRB-0475

**Topic**

Confinement of Prisoners in Private Facilities in Wisconsin

**Subject(s)**

Correctional System - prisons

1. **JACKET** the draft for introduction Rep. Scott Walker  
in the **Senate** \_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached \_\_\_\_\_  
A revised draft will be submitted for your approval with changes incorporated.

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

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

Richard A. Champagne, Legislative Attorney  
Telephone: (608) 266-9930