1999 ASSEMBLY BILL 568

October 27, 1999 – Introduced by COMMITTEE ON CRIMINAL JUSTICE, by request of Wisconsin Counties Association. Referred to Committee on Criminal Justice.

1 AN ACT *to repeal* 302.36 (1g) and 302.36 (1r); *to renumber and amend* 302.36

2 (1) and 302.36 (2); *to amend* 302.36 (title), 302.36 (title) and 302.36 (3); and *to*

3 *create* 302.36 (1g) and 302.36 (3) of the statutes; **relating to:** classification of

4 jail prisoners for the purpose of determining prisoner housing assignments, the

5 type of prisoner supervision and the delivery of services and programs to

6 prisoners.

Analysis by the Legislative Reference Bureau

Under current law, a county jail must keep certain prisoners separate from other prisoners. Prisoners who have not been convicted must be kept separate from prisoners who have been convicted, prisoners who are mentally ill must be kept separate from prisoners who are not mentally ill, and prisoners of different sexes must be kept separate. However, a sheriff, jailer or keeper of the jail may permit prisoners of different sexes to dine together or to participate together in treatment or in educational, vocational, religious or athletic activities, if the prisoners are under such supervision that the sheriff, jailer or keeper of the jail considers necessary.

This bill provides county jails the option of segregating prisoners under current law or of establishing a prisoner classification system, which shall be used for the purpose of determining prisoner housing assignments, the type of prisoner supervision and the delivery of services and programs to prisoners. The prisoner

classification system must be based on objective criteria, which include a prisoner's criminal offense record and gender, information relating to the current offense for which he or she is sentenced, the prisoner's history of behavior in jail and medical and mental health condition and any other factor necessary to provide for the protection of prisoners, staff and the general public.

Under the bill, the option of employing the segregation system set forth in current law expires on January 1, 2002. By that date, all jails must adopt a prisoner classification system meeting the requirements discussed above.

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

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

1   SECTION 1. 302.36 (title) of the statutes is amended to read:

2   **302.36** (title) **Segregation and classification of prisoners.**

3   SECTION 2. 302.36 (title) of the statutes, as affected by 1999 Wisconsin Act ....

4   (this act), is amended to read:

5   **302.36** (title) ~~**Segregation and classification**~~ **Classification** of

6   **prisoners.**

7   SECTION 3. 302.36 (1) of the statutes is renumbered 302.36 (1r) (a) and

8   amended to read:

9   302.36 **(1r)** (a) All jails using a prisoner segregation system shall be provided

10   with suitable wards or buildings or cells in the case of jail extensions under s. 59.54

11   (14) (g) for the separation of criminals from noncriminals; persons of different sexes;

12   and persons alleged to be mentally ill. All prisoners shall be kept segregated

13   accordingly.

14   SECTION 4. 302.36 (1g) of the statutes is created to read:

15   302.36 **(1g)** The sheriff, jailer or keeper of a jail shall segregate prisoners under

16   sub. (1r) or establish a prisoner classification system under sub. (3).

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ASSEMBLY BILL 568   **SECTION 5**

1   **SECTION 5.** 302.36 (1g) of the statutes, as created by 1999 Wisconsin Act .... (this

2   act), is repealed.

3   **SECTION 6.** 302.36 (1r) of the statutes, as affected by 1999 Wisconsin Act .... (this

4   act), is repealed.

5   **SECTION 7.** 302.36 (2) of the statutes is renumbered 302.36 (1r) (b) and

6   amended to read:

7   302.36 **(1r)** (b) Notwithstanding ~~sub. (1), the~~ par. (a), a sheriff, jailer or keeper

8   segregating prisoners under this subsection may permit prisoners of different sexes

9   to participate together in treatment or in educational, vocational, religious or

10   athletic activities or to eat together, under such supervision as the sheriff, jailer or

11   keeper deems necessary.

12   **SECTION 8.** 302.36 (3) of the statutes is created to read:

13   302.36 **(3)** If adopted by the sheriff, jailer or keeper of a jail, a prisoner

14   classification system shall be used to determine prisoner housing assignments, the

15   type of prisoner supervision and the delivery of services and programs to prisoners.

16   The prisoner classification system shall be based on objective criteria, including a

17   prisoner's criminal offense record and gender, information relating to the current

18   offense for which the prisoner is in jail, the prisoner's history of behavior in jail and

19   medical and mental health condition and any other factor the sheriff, jailer or keeper

20   of a jail considers necessary to provide for the protection of prisoners, staff and the

21   general public.

22   **SECTION 9.** 302.36 (3) of the statutes, as created by 1999 Wisconsin Act .... (this

23   act), is amended to read:

24   302.36 **(3)** ~~If adopted by the~~ The sheriff, jailer or keeper of a jail~~,~~ shall establish

25   a prisoner classification system, which shall be used to determine prisoner housing

1   assignments, the type of prisoner supervision and the delivery of services and

2   programs to prisoners. The prisoner classification system shall be based on objective

3   criteria, including a prisoner's criminal offense record and gender, information

4   relating to the current offense for which the prisoner is in jail, the prisoner's history

5   of behavior in jail and medical and mental health condition and any other factor the

6   sheriff, jailer or keeper of a jail considers necessary to provide for the protection of

7   prisoners, staff and the general public.

8   **SECTION 10. Effective dates.** This act takes effect on the day after publication,

9   except as follows:

10   (1) The treatment of section 302.36 (title) (by SECTION 2) of the statutes, the

11   repeal of section 302.36 (1g) and (1r) of the statutes and the amendment of section

12   302.36 (3) of the statutes take effect on January 1, 2002.

13   **(END)**