

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 568**

November 2, 1999 – Offered by Representative GOETSCH.

1 **AN ACT** *to renumber and amend* 302.36 (1); *to amend* 302.36 (title) and 302.36  
2 (2); and *to create* 302.36 (1t), 302.36 (3) and 302.361 of the statutes; **relating**  
3 **to:** classification of jail prisoners for the purpose of determining prisoner  
4 housing assignments, the type of prisoner supervision and the delivery of  
5 services and programs to prisoners.

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

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

7 **302.36 (title) Segregation and classification of prisoners.**

8 **SECTION 2.** 302.36 (1) of the statutes is renumbered 302.36 (1m) and amended  
9 to read:

10 302.36 (1m) All jails using a prisoner segregation system shall be provided  
11 with suitable wards or buildings or cells, in the case of jail extensions under s. 59.54  
12 (14) (g), cells for the separation of criminals from noncriminals; persons of different

1 sexes; and persons alleged to be mentally ill. All prisoners shall be kept segregated  
2 accordingly.

3 **SECTION 3.** 302.36 (1t) of the statutes is created to read:

4 302.36 (1t) (a) If adopted by the sheriff, jailer or keeper of a jail, a prisoner  
5 classification system shall be used, subject to par. (b), to determine prisoner housing  
6 assignments, the type of prisoner supervision and the delivery of services and  
7 programs to prisoners. The prisoner classification system shall be based on objective  
8 criteria, including a prisoner's criminal offense record, information relating to the  
9 current offense for which the prisoner is in jail, the prisoner's history of behavior in  
10 jail and medical and mental health condition and any other factor the sheriff, jailer  
11 or keeper of a jail considers necessary to provide for the protection of prisoners, staff  
12 and the general public.

13 (b) All jails using a jail classification system shall be provided with suitable  
14 wards, buildings or, in the case of jail extensions under s. 59.54 (14) (g), cells for the  
15 separation of persons of different sexes. All prisoners shall be kept segregated  
16 accordingly.

17 **SECTION 4.** 302.36 (2) of the statutes is amended to read:

18 302.36 (2) Notwithstanding sub. (1), the subs. (1m) and (1t) (b), a sheriff, jailer  
19 or keeper segregating prisoners under this subsection may permit prisoners of  
20 different sexes to participate together in treatment or in educational, vocational,  
21 religious or athletic activities or to eat together, under such supervision as the  
22 sheriff, jailer or keeper deems necessary.

23 **SECTION 5.** 302.36 (3) of the statutes is created to read:

24 302.36 (3) This section does not apply after December 31, 2001.

25 **SECTION 6.** 302.361 of the statutes is created to read:

