

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB568)

Received: **10/29/1999**

Received By: **mdsida**

Wanted: **Soon**

Identical to LRB:

For: **Robert Goetsch (608) 266-2540**

By/Representing: **Kent**

This file may be shown to any legislator: NO

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Correctional System -jails**

Extra Copies: **jeo**

Pre Topic:

No specific pre topic given

Topic:

Jail prisoner classification

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
I?	mdsida 1 1/01/1999	j geller 1 1/01/1999		_____			
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FE Sent For:

<END>

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1?	mdsida	11/1 jlg	7/11/1	7/6 RM 11/1			

FE Sent For:

<END>

Section 1.

All jails shall be provided with suitable wards or buildings or cells in the case of jail extensions under s. 59.54(14)(g) for the separation of prisoners of different sexes.

Section 2

The sheriff, jailer or keeper of a jail shall segregate prisoners of different sexes into separate housing units under (section 2)

Wood: may want to retain
section 7 of the bill
for clarity.

DO YOU WANT THIS
DRAFTED?

Y ✓ FL--



leg

1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 1999 ASSEMBLY BILL 568

by 5:00
11/11

Insert 1/2A and
1/2B

gen cat

insert 1/1

, cells

1

AN ACT relating to: ???

2

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

3

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

4

5

6

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

7

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

8

SECTION 2. 302.361 of the statutes is created to read:

9

302.361 Classification of jail prisoners. (1) CLASSIFICATION SYSTEM. Subject

10

to sub. (2), the sheriff, jailer or keeper of a jail shall establish a prisoner classification

11

system, which shall be used beginning January 1, 2002, to determine prisoner

Insert 1/6

1 housing assignments, the type of prisoner supervision and the delivery of services
2 and programs to prisoners. The prisoner classification system shall be based on
3 objective criteria, including a prisoner's criminal offense record, information relating
4 to the current offense for which the prisoner is in jail, the prisoner's history of
5 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 (2)(a) SEGREGATIONBYGENDER. ^{move} All jails shall be provided with suitable wards

9 ~~or~~ buildings or ~~cells~~ in the case of jail extensions under s. 59.54 (14) (g) for the
10 separation persons of different sexes. All prisoners shall be kept segregated
11 accordingly.

cells

12 (b) Notwithstanding par. (a), a sheriff, jailer or keeper may permit prisoners
13 of different sexes to participate together in treatment or in educational, vocational,
14 religious or athletic activities or to eat together, under such supervision as the
15 sheriff, jailer or keeper deems necessary.

16 (END)



1999 ASSEMBLY BILL 568

WPO's -
Inserts are
out of order

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

Insert
///

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

ASSEMBLY BILL 568

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.

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

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

302.36 (title) Segregation and classification of prisoners.

SECTION 2. 302.36 (title) of the statutes, as affected by 1999 Wisconsin Act ... (this act), is amended to read:

302.36 (title) Segregation and classification of prisoners

SECTION 3. 302.36 (1) of the statutes is renumbered 302.36 (b) (a) and amended to read:

302.36 (b) (a) All jails using a prisoner searegation system shall be provided with suitable wards or buildings or cells in the case of jail extensions under s. 59.54 (14) (g), for the separation of criminals from noncriminals; persons of different sexes; and persons alleged to be mentally ill. All prisoners shall be kept segregated accordingly.

SECTION 4. 302.36 (lg) of the statutes is created to read:

302.36 (lg) The sheriff, jailer or keeper of a jail shall segregate prisoners under sub. (1r) or establish a prisoner classification system under sub. (3).

1 Insert 1/2 A

16

(1m)

(end ins 1/2 A)

(1t)

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 (5) Fix component SECTION 7. 302.36 (2) of the statutes is renumbered 302.36 (1r) and
6 amended to read: (do not delete) (1m) and (1t)(b),

7 302.36 (1r)(b) Notwithstanding sub. (1t)(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. (end ins 1/6)

12 SECTION 8. 302.36 (2) of the statutes is created to read:
13 302.36 (2) 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. (end ins 1/2B)

22 SECTION 9. 302.36 (3) of the statutes, as created by 1999 Wisconsin Act (this
23 act), is amended to read: renumbered 302.36 (3) and

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

Insert 1/6

Insert 1/2B

(end ins 1/2B)

(do not delete)

(keep strikethrough)

(subject to par. (b))

ASSEMBLY BILL 568

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.

(END)

1t

and (1r)