

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/28/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Julie**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Correctional System - prisons**

Extra Copies: **MGG  
MDK  
RNK**

**Pre Topic:**

No specific pre topic given

**Topic:**

Telemarketing and data entry by prisoners

**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>Required</u>
/P1	olsenje 03/4/99	chanaman 03/5/99	lpaasch 03/5/99	_____	lrb_docadmin 03/5/99		State
/1	olsenje 04/19/99	chanaman 04/20/99	martykr 04/21/99	_____	lrb_docadmin 04/21/99		State
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4/27/99 4:09:28 PM

Page 2

FE Sent For:

→ 05-28-99

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/1	olsenje 04/19/99	chanaman 04/20/99	martykr 04/21/99	_____	lrb_docadmin 04/21/99		State

FE Sent For:

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*4/22*  
*1/2*

*km 4/22*

*cmh 4/22*  
*km 4/22*

**<END>**

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/P1	olsenje 03/4/99	chanaman 03/5/99	lpaasch 03/5/99	_____	lrb_docadmin 03/5/99		State
FE Sent For:		cmH 1/10 /1	cm 4/20	ab 27 cm 4/20			<END>

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1?	olsenje	<i>CMM</i> <i>3/5</i>	<i>1/1</i> <i>3/5</i> <i>LT</i>	<i>3/5</i> <i>3/5</i>	<i>3/5</i>		

FE Sent For:

<END>

*Submit "P" drafts*  
*JEO*

High

Erpenbach

by Tulic

2061

by inmates

97.0716

1. No telemat/data entry that  
wld give access to info.

97.0608

re: non incarcerated ~~inmates~~  
persons

personal

2. Prohibit inmates from other  
states from calling w/ or  
require id of inst/fact  
of incarceration

3. 900 #'s to prisons. ID  
institution / fact of  
institution  
(Covered by #1)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2061/P1

JEO:.....

CMJ

D. Note      Soon!

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1      *gen*  
 2      *est*  
 AN ACT ...; relating to: restricting prisoner activities that provide access to  
 3      personal information of persons who are not prisoners, requiring prisoners  
 4      conducting telephone solicitations or answering toll-free telephone numbers to  
 identify themselves as prisoners and providing a penalty.

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

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

For further information see the *state* 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:***

5      SECTION 1. 134.73<sup>X</sup> of the statutes is created to read:  
 6      **134.73 Identification of prisoner making telephone solicitation. (1)**  
 7      DEFINITIONS. In this section:  
 8      (a) "Contribution" has the meaning given in s. 440.41<sup>X</sup> (5).



1 (b) "Prisoner" means a prisoner of any public or private correctional or  
2 detention facility that is located within or outside this state.

3 (c) "Solicit" has the meaning given in s. 440.41 (8).

4 (d) "Telephone solicitation" means the unsolicited initiation of a telephone  
5 conversation for any of the following purposes:

6 1. To encourage a person to purchase property, goods or services.

7 2. To solicit a contribution from a person.

8 3. To conduct an opinion poll or survey.

9 (2) ~~PROVISION~~ (A prisoner who makes a telephone solicitation shall do all of  
10 the following immediately after the person called answers the telephone:

11 (a) Identify himself or herself by name.

12 (b) State that he or she is a prisoner.

13 (c) Inform the person called of the name of the correctional or detention facility  
14 in which he or she is a prisoner and the city and state in which the facility is located.

15 (3) TERRITORIAL APPLICATION. (a) *Intrastate*. This section applies to any  
16 intrastate telephone solicitation.

17 (b) *Interstate*. This section applies to any interstate telephone solicitation  
18 received by a person in this state.

19 (4) PENALTY. A person who violates this section may be required to forfeit not  
20 more than \$500.

21 SECTION 2. 134.95 (2) of the statutes is amended to read:

22 134.95 (2) SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a  
23 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,  
24 134.72, 134.73 or 134.87 or ch. 136 or a rule promulgated under these sections or that  
25 chapter, the person shall be subject to a supplemental forfeiture not to exceed

CS

REQUIREMENTS.

1 \$10,000 for that violation if the conduct by the defendant, for which the fine or  
2 forfeiture was imposed, was perpetrated against an elderly person or disabled person  
3 and if any of the factors under s. 100.264 (2) (a), (b) or (c) is present.

History: 1995 a. 382; 1997 a. 111.

4 **SECTION 3.** 196.208 (5p) of the statutes is created to read:

5 196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this section,  
6 "prisoner" has the meaning given in s. 134.73 (1) (b).

7 (b) If a prisoner is employed directly or indirectly by a toll-free service vendor  
8 to answer calls made to the toll-free service vendor, the prisoner shall do all of the  
9 following immediately upon answering a call:

10 1. Identify himself or herself by name.

11 2. State that he or she is a prisoner.

12 3. Inform the calling party of the name of the correctional or detention facility  
13 in which he or she is a prisoner and the city and state in which the facility is located.

14 (c) A toll-free service vendor that directly or indirectly employs a prisoner  
15 shall provide reasonable supervision of the prisoner to assure the prisoner's  
16 compliance with par. (b).

17 **SECTION 4.** 196.208 (10) (a) of the statutes is amended to read:

18 196.208 (10) (a) Subsections (2) to (5) apply to any pay-per-call service that  
19 a caller may access by a call originating in this state and sub-<sup>(5p) and</sup> subs. (5t) applies  
20 ~~apply~~ apply to any toll-free service vendor or employe of a toll-free service vendor that  
21 a caller may access by a call originating in this state.

History: 1991 a. 127; 1993 a. 361.

22 **SECTION 5.** 302.09 of the statutes is amended to read:

23 **302.09 Labor and communications.** Inmates Subject to s. 302.091, inmates  
24 shall be employed as provided in ch. 303. ~~Communication and communication~~ and communication shall

1 not be allowed between inmates and any person outside the prison except as  
2 prescribed by the prison regulations.

3 History: 1989 a. 31 s. 1626; Stats. s. 302.09.

3 **SECTION 6.** 302.091 of the statutes is created to read:

4 **302.091 Restriction on prisoners performing data entry or**  
5 **telemarketing services.** No prisoner may perform any data entry or  
6 telemarketing services if in the performance of the data entry or telemarketing  
7 service the prisoner would have access to any personal identifying information, as  
8 defined in s. 943.201 (1) (b), of an individual who is not a prisoner.

9

(END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2061/P1dn

JEO:.....

*cmrj*

Julie:

Please review this preliminary draft carefully to make sure that it does what you want it to do. Please note the following when reviewing the draft:

1. Proposed s. 302.091 uses the definition of "personal identification information" found in s. 943.201, stats. Does that cover the things that you want to cover?

2. The requirements for prisoners who answer toll-free calls is limited to toll-free calls made to a person who uses the toll-free number to sell goods or services. See s. 196.208 (1) (c), stats. Is that your intent?

4 3. The requirements for prisoners who make telephone solicitations (proposed s. 134.73) cover not only calls intended to try to sell something but also calls seeking charitable contributions or asking survey or opinion poll questions. Is that your intent? Also, the draft provides a penalty for violations of the requirements. It is the same penalty as that provided under s. 134.72 (4), stats. Is that penalty okay?

4. The restrictions on calls being made or answered by prisoners will be governed by the territorial application provisions in proposed s. 134.73 (3) and s. 196.208 (10) (a), stats., respectively.

You should know that I have prepared this draft without the benefit of consultation with the drafters who usually draft in chs. 134 and 196. However, they will also be reviewing this preliminary draft, and I will pass on to you any pertinent comments or questions that they have.

Please let me know if you have any questions or changes.

Jefren E. Olsen  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: Jefren.Olsen@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2061/P1dn  
JEO:cmh:lp

March 5, 1999

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Legislative Attorney  
Phone: (608) 266-8906  
E-mail: Jefren.Olsen@legis.state.wi.us



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2061/P1

JEO:cmh:lp

redraft  
make run

Soon

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

regenerate

1

AN ACT *to amend* 134.95 (2), 196.208 (10) (a) and 302.09; and *to create* 134.73,

2

196.208 (5p) and 302.091 of the statutes; **relating to:** restricting prisoner

3

activities that provide access to personal information of persons who are not

4

prisoners, requiring prisoners conducting telephone solicitations or answering

5

toll-free telephone numbers to identify themselves as prisoners and providing

6

a penalty.

ANALYSIS  
INSERT

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

~~This is a preliminary draft. An analysis will be provided in a later version of the draft.~~

For further information see the **state** 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:***

7

**SECTION 1.** 134.73 of the statutes is created to read:

8

**134.73 Identification of prisoner making telephone solicitation. (1)**

9

**DEFINITIONS.** In this section:

1 (a) "Contribution" has the meaning given in s. 440.41 (5).

2 (b) "Prisoner" means a prisoner of any public or private correctional or  
3 detention facility that is located within or outside this state.

4 (c) "Solicit" has the meaning given in s. 440.41 (8).

5 (d) "Telephone solicitation" means the unsolicited initiation of a telephone  
6 conversation for any of the following purposes:

- 7 1. To encourage a person to purchase property, goods or services.
- 8 2. To solicit a contribution from a person.
- 9 3. To conduct an opinion poll or survey.

10 (2) REQUIREMENTS. A prisoner who makes a telephone solicitation shall do all  
11 of the following immediately after the person called answers the telephone:

12 (a) Identify himself or herself by name.

13 (b) State that he or she is a prisoner.

14 (c) Inform the person called of the name of the correctional or detention facility  
15 in which he or she is a prisoner and the city and state in which the facility is located.

16 (3) TERRITORIAL APPLICATION. (a) *Intrastate*. This section applies to any  
17 intrastate telephone solicitation.

18 (b) *Interstate*. This section applies to any interstate telephone solicitation  
19 received by a person in this state.

20 (4) PENALTY. A ~~person~~ <sup>prisoner</sup> who violates this section may be required to forfeit not  
21 more than \$500.

22 SECTION 2. 134.95 (2) of the statutes is amended to read:

23 134.95 (2) SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a  
24 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,  
25 134.72, 134.73 or 134.87 or ch. 136 or a rule promulgated under these sections or that

INS  
2-21

(CS) PENALTIES (a) prisoner

1 chapter, the person shall be subject to a supplemental forfeiture not to exceed  
2 \$10,000 for that violation if the conduct by the defendant, for which the fine or  
3 forfeiture was imposed, was perpetrated against an elderly person or disabled person  
4 and if any of the factors under s. 100.264 (2) (a), (b) or (c) is present.

5 SECTION 3. 196.208 (5p) of the statutes is created to read:

INS  
3-6

6 196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this section <sup>Sub</sup>

7 "prisoner" has the meaning given in s. 134.73 (1) (b).

9.2.

8 (b) If a prisoner is employed directly or indirectly by a <sup>charitable organization or</sup> toll-free service vendor

9 to answer calls made to the toll-free service vendor, the prisoner shall do all of the  
10 following immediately upon answering a call:

- 11 1. Identify himself or herself by name.
- 12 2. State that he or she is a prisoner.
- 13 3. Inform the calling party of the name of the correctional or detention facility
- 14 in which he or she is a prisoner and the city and state in which the facility is located.

15 (c) A toll-free service vendor that directly or indirectly employs a prisoner shall  
16 provide reasonable supervision of the prisoner to assure the prisoner's compliance  
17 with par. (b).

18 SECTION 4. 196.208 (10) (a) of the statutes is amended to read:

19 196.208 (10) (a) Subsections (2) to (5) apply to any pay-per-call service that  
20 a caller may access by a call originating in this state and <sup>4</sup> sub. subs. (5p) and (5t)  
21 applies <sup>charitable organization,</sup> apply to any toll-free service vendor or employe of a toll-free service vendor  
22 that a caller may access by a call originating in this state. <sup>charitable organization or</sup>

INS  
3-22

23 SECTION 5. 302.09 of the statutes is amended to read:

24 **302.09 Labor and communications.** Inmates Subject to s. 302.091, inmates  
25 shall be employed as provided in ch. 303. Communication and communication shall



1 not be allowed between inmates and any person outside the prison except as  
2 prescribed by the prison regulations.

3 **SECTION 6.** 302.091 of the statutes is created to read:

4 **302.091 Restriction on prisoners performing data entry or**  
5 **telemarketing services.** No prisoner may perform any data entry or  
6 telemarketing services if in the performance of the data entry or telemarketing  
7 service the prisoner would have access to any personal identifying information, as  
8 defined in s. 943.201 (1) (b), of an individual who is not a prisoner.

9

(END)

1

**ANALYSIS INSERT:**

91

This bill prohibits a prisoner from performing data entry or telemarketing services if in performing those services the prisoner would have access to any personal identifying information of a person who is not a prisoner. Under the bill, personal identifying information includes such things as an individual's name, address, telephone number, driver's license number and social security number and the numbers of certain types of bank accounts. A prisoner who violates this prohibition would be subject to a forfeiture (a civil monetary penalty) of not more than \$200.

This bill also creates disclosure requirements for prisoners who make telephone solicitations or answer toll-free telephone numbers. Specifically, the bill does the following:

1. Requires a prisoner who is making a telephone solicitation to do all of the following immediately after a person answers the telephone: a) state his or her name; b) state that he or she is a prisoner; and c) inform the person answering the call of the name and location of the correctional facility in which he or she is a prisoner. These requirements apply to solicitations to sell goods or services, to solicit charitable contributions or to conduct opinion polls or surveys. In addition, the requirements apply to prisoners located in a facility outside of this state if they make telephone solicitations to persons in this state.

2. Requires a prisoner who is answering a toll-free telephone number to do all of the following immediately after answering a call to the number: a) state his or her name; b) state that he or she is a prisoner; and c) inform the caller of the name and location of the correctional facility in which he or she is a prisoner. These requirements apply to toll-free numbers used to sell goods or services or to solicit charitable contributions. In addition, the requirements apply to prisoners located in a facility outside of this state if the prisoner is answering toll-free calls made by persons in this state.

A prisoner who violates the bill's disclosure requirements is subject to a forfeiture of not more than \$500, while an employer of a prisoner who is a party to a prisoner's violation of the requirements is subject to a forfeiture of not more than \$10,000. An employer may be a party to a prisoner's violation of the requirements by aiding and abetting the violation, conspiring with a prisoner to commit the violation or by advising, hiring, counseling or otherwise procuring a prisoner to violate the requirements.

2

\*

**INSERT 2-21:**

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91 (b) If person who employs a prisoner to engage in telephone solicitation is concerned in the commission of a violation of this section as provided under s. 134.99, the person may be required to forfeit not more than \$10,000.

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**INSERT 3-6:**

1. "Charitable organization" has the meaning given in s. 440.41 (1).

**INSERT 3-22:**

**SECTION 1.** 196.208 (11) (d) of the statutes is renumbered 196.208 (11) (d) 1. and amended to read:

196.208 (11) (d) 1. ~~Any~~ Except as provided in subd. 2., any person who violates subs. (2) to (9) shall be required to forfeit not less than \$25 nor more than \$5,000 for each offense.

**3.** Forfeitures under ~~this paragraph~~ subs. 1. and 2. shall be enforced by action on behalf of the state by the department of justice or, upon informing the department of justice, by the district attorney of the county where the violation occurs.

History: 1991 a. 127; 1993 a. 361.

**SECTION 2.** 196.208 (11) (d) 2. of the statutes is created to read:

196.208 (11) (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to forfeit not more than \$500.

b. A person who employ<sup>s</sup> a prisoner to answer calls made to a toll-free telephone number may be required to forfeit not more than \$10,000 if the person violates sub. (5p) (c), aids and abets a prisoner's violation of sub. (5p) (b), is a party to a conspiracy with a prisoner to commit a violation of sub. (5p) (b) or advises, hires or counsels or otherwise procures a prisoner to commit a violation of sub. (5p) (b).



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2061/1  
JEO:cmh:km

Soon

redraft  
number  
run

2

1999 BILL

provides that the department of corrections may not enter into any contract or other agreement if, in the performance of the contract or agreement,

contract authority of the department of corrections,

regenerate

- 1 AN ACT *to renumber and amend* 196.208 (11) (d); *to amend* 134.95 (2), 196.208
- 2 (10) (a) and 302.09; and *to create* 134.73, 196.208 (5p), 196.208 (11) (d) 2. and
- 3 302.091 of the statutes; *relating to:* ~~prohibiting~~ prisoner activities ~~and~~
- 4 access to personal information of persons who are not prisoners, requiring
- 5 prisoners conducting telephone solicitations or answering toll-free telephone
- 6 numbers to identify themselves as prisoners and providing a penalty.

**Analysis by the Legislative Reference Bureau**

- 
- 
- 
- 
- 

This bill ~~prohibits~~ a prisoner <sup>would</sup> ~~from~~ performing data entry or telemarketing services ~~if in performing these services the prisoner~~ would have access to any personal identifying information of a person who is not a prisoner. Under the bill, personal identifying information includes such things as an individual's name, address, telephone number, driver's license number and social security number and the numbers of certain types of bank accounts. A prisoner who violates this prohibition would be subject to a forfeiture (a civil monetary penalty) of not more than \$200.

and

This bill also creates disclosure requirements for prisoners who make telephone solicitations or answer toll-free telephone numbers. Specifically, the bill does the following:

- 1. Requires a prisoner who is making a telephone solicitation to do all of the following immediately after a person answers the telephone: a) state his or her

**BILL**

name; b) state that he or she is a prisoner; and c) inform the person answering the call of the name and location of the correctional facility in which he or she is a prisoner. These requirements apply to solicitations to sell goods or services, to solicit charitable contributions or to conduct opinion polls or surveys. In addition, the requirements apply to prisoners located in a facility outside of this state if they make telephone solicitations to persons in this state.

2. Requires a prisoner who is answering a toll-free telephone number to do all of the following immediately after answering a call to the number: a) state his or her name; b) state that he or she is a prisoner; and c) inform the caller of the name and location of the correctional facility in which he or she is a prisoner. These requirements apply to toll-free numbers used to sell goods or services or to solicit charitable contributions. In addition, the requirements apply to prisoners located in a facility outside of this state if the prisoner is answering toll-free calls made by persons in this state.

(a civil  
monetary  
penalty)

A prisoner who violates the bill's disclosure requirements is subject to a forfeiture of not more than \$500, while an employer of a prisoner who is a party to a prisoner's violation of the requirements is subject to a forfeiture of not more than \$10,000. An employer may be a party to a prisoner's violation of the requirements by aiding and abetting the violation, conspiring with a prisoner to commit the violation or by advising, hiring, counseling or otherwise procuring a prisoner to violate the requirements.

For further information see the *state* 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:***

1           **SECTION 1.** 134.73 of the statutes is created to read:

2           **134.73 Identification of prisoner making telephone solicitation. (1)**

3           **DEFINITIONS.** In this section:

4           (a) "Contribution" has the meaning given in s. 440.41 (5).

5           (b) "Prisoner" means a prisoner of any public or private correctional or  
6           detention facility that is located within or outside this state.

7           (c) "Solicit" has the meaning given in s. 440.41 (8).

8           (d) "Telephone solicitation" means the unsolicited initiation of a telephone  
9           conversation for any of the following purposes:

10           1. To encourage a person to purchase property, goods or services.

**BILL**

1           2. To solicit a contribution from a person.

2           3. To conduct an opinion poll or survey.

3           **(2) REQUIREMENTS.** A prisoner who makes a telephone solicitation shall do all  
4 of the following immediately after the person called answers the telephone:

5           (a) Identify himself or herself by name.

6           (b) State that he or she is a prisoner.

7           (c) Inform the person called of the name of the correctional or detention facility  
8 in which he or she is a prisoner and the city and state in which the facility is located.

9           **(3) TERRITORIAL APPLICATION.** (a) *Intrastate.* This section applies to any  
10 intrastate telephone solicitation.

11           (b) *Interstate.* This section applies to any interstate telephone solicitation  
12 received by a person in this state.

13           **(4) PENALTIES.** (a) A prisoner who violates this section may be required to forfeit  
14 not more than \$500.

15           (b) If a person who employes a prisoner to engage in telephone solicitation is  
16 concerned in the commission of a violation of this section as provided under s. 134.99,  
17 the person may be required to forfeit not more than \$10,000.

18           **SECTION 2.** 134.95 (2) of the statutes is amended to read:

19           134.95 (2) **SUPPLEMENTAL FORFEITURE.** If a fine or a forfeiture is imposed on a  
20 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,  
21 134.72, 134.73 or 134.87 or ch. 136 or a rule promulgated under these sections or that  
22 chapter, the person shall be subject to a supplemental forfeiture not to exceed  
23 \$10,000 for that violation if the conduct by the defendant, for which the fine or  
24 forfeiture was imposed, was perpetrated against an elderly person or disabled person  
25 and if any of the factors under s. 100.264 (2) (a), (b) or (c) is present.

**BILL****SECTION 3**

1           **SECTION 3.** 196.208 (5p) of the statutes is created to read:

2           196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this subsection:

3           1. “Charitable organization” has the meaning given in s. 440.41 (1).

4           2. “Prisoner” has the meaning given in s. 134.73 (1) (b).

5           (b) If a prisoner is employed directly or indirectly by a charitable organization  
6 or toll-free service vendor to answer calls made to the charitable organization or  
7 toll-free service vendor, the prisoner shall do all of the following immediately upon  
8 answering a call:

9           1. Identify himself or herself by name.

10          2. State that he or she is a prisoner.

11          3. Inform the calling party of the name of the correctional or detention facility  
12 in which he or she is a prisoner and the city and state in which the facility is located.

13          (c) A charitable organization or toll-free service vendor that directly or  
14 indirectly employs a prisoner shall provide reasonable supervision of the prisoner to  
15 assure the prisoner’s compliance with par. (b).

16          **SECTION 4.** 196.208 (10) (a) of the statutes is amended to read:

17          196.208 (10) (a) Subsections (2) to (5) apply to any pay-per-call service that  
18 a caller may access by a call originating in this state and ~~sub. subs. (5p) and (5t)~~  
19 applies apply to any charitable organization, toll-free service vendor or employe of  
20 a charitable organization or toll-free service vendor that a caller may access by a call  
21 originating in this state.

22          **SECTION 5.** 196.208 (11) (d) of the statutes is renumbered 196.208 (11) (d) 1. and  
23 amended to read:

**BILL**

1 196.208 (11) (d) 1. ~~Any~~ Except as provided in subd. 2., any person who violates  
2 subs. (2) to (9) shall be required to forfeit not less than \$25 nor more than \$5,000 for  
3 each offense.

4 3. Forfeitures under ~~this paragraph~~ subds. 1. and 2. shall be enforced by action  
5 on behalf of the state by the department of justice or, upon informing the department  
6 of justice, by the district attorney of the county where the violation occurs.

7 **SECTION 6.** 196.208 (11) (d) 2. of the statutes is created to read:

8 196.208 (11) (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to  
9 forfeit not more than \$500.

10 b. A person who employs a prisoner to answer calls made to a toll-free  
11 telephone number may be required to forfeit not more than \$10,000 if the person  
12 violates sub. (5p) (c), aids and abets a prisoner's violation of sub. (5p) (b), is a party  
13 to a conspiracy with a prisoner to commit a violation of sub. (5p) (b) or advises, hires  
14 or counsels or otherwise procures a prisoner to commit a violation of sub. (5p) (b).

15 **SECTION 7.** 302.09 of the statutes is amended to read:

16 ~~**302.09 Labor and communications.** Inmates Subject to s. 302.091, inmates~~  
17 ~~shall be employed as provided in ch. 303. Communication and communication shall~~  
18 ~~not be allowed between inmates and any person outside the prison except as~~  
19 ~~prescribed by the prison regulations.~~

20 **SECTION 8.** 302.091 of the statutes is created to read:

21 **302.091** <sup>Contracts requiring</sup> ~~Restriction on~~ prisoners <sup>to</sup> perform ~~the~~ data entry or  
22 telemarketing services. ~~The~~ prisoner <sup>would</sup> may perform ~~the~~ data entry or  
23 telemarketing services ~~in the performance of the data entry or telemarketing~~

The department may not enter into any contract or other agreement if, in the performance of the contract or agreement, a



**BILL**

**SECTION 8**

1 ~~service the prisoner would~~ <sup>and</sup> have access to any personal identifying information, as  
 2 defined in s. 943.201 (1) (b), of an individual who is not a prisoner.

3

(END)

#. Initial applicability.

9 (1) CS CONTRACTS FOR DATA ENTRY OR TELEMARKETING SERVICES. The treatment of section 302.091 of the statutes first applies to contracts entered into or renewed by the department of corrections on the effective date of this subsection.

**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: 4/26/99

To: Senator Erpenbach

Relating to LRB drafting number: LRB-2061

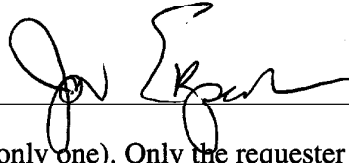
**Topic**

Telemarketing and data entry by prisoners

**Subject(s)**

Correctional System - prisons

1. **JACKET** the draft for introduction \_\_\_\_\_  
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 \_\_\_\_\_  
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.

Jefren E. Olsen, Legislative Attorney  
Telephone: (608) 266-8906