
ROGER BRESKE

STATE SENATOR

12th District

Capitol Address:
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-2509

Legislative Hotline:
1 (800) 362-9472

Home Address:
8800 Hwy. 29
Eland, WI 54427
(715) 454-6575



MEMORANDUM

January 20, 2000

TO: Senate Committee on Insurance, Tourism
Transportation & Corrections
FR: Senator Roger Breske, Chair
RE: Proposed Administrative Rule 97-014
Repealing and recreating sections of DOC 309, relating to Inmate Visitation.

Below, please find a description of administrative rule 97-014 which was recently referred to the Senate Committee on Insurance, Tourism, Transportation & Corrections. For your reference, I have included a summary, prepared by the department, of the rule. If you would like a copy of this rule, or if you would like to request a hearing, please contact Vaughn in my office before *Friday, February 4, 1999*.

CLEARINGHOUSE RULE 97-014; Relating to inmate visitation. "Some provisions of the Department of Corrections administrative rules relating to inmate visitation have not been updated since the rule was created. With over 18 years of experience working with the rule, the Department proposes to update the rule. This proposed rule would:

1. Make technical changes.
2. Add definitions for "revoke," "suspend," and "terminate."
3. Delete language allowing inmates and visitors to embrace and kiss at the beginning and end of each visit, as well as holding children. This may be allowed through institution policy and procedure.
4. Delete the provision requiring that visitors be known to the inmate.

5. Require that children under the age of 18 have written approval of a non-incarcerated custodial parent or legal guardian, or a court order directing the visit.
6. Require inmates to provide accurate and complete information for visitation requests.
7. Permit an institution to require or utilize information from other sources in determining suitability for visitation.
8. Provide for the Warden to make the determination regarding approval for visiting.
9. Allow the Warden to deny visit if Warden has reasonable grounds to believe the visitor may be subjected to victimization.
10. Allow the Warden to deny visit if visitor has been incarcerated within the last twelve months. This amends the language that denied visitors who were probationers, parolees or sex-offenders discharged within the last six months.
11. Remove language requiring visiting privileges not be denied based on visitor's marital status.
12. Remove requirement that immediate family members be routinely approved for visiting if requested by the inmate.
13. Remove the definition of immediate family.
14. Maintain requirement that institutions develop policies and procedures regarding visitation, but delete the list of factors.
15. Remove requirement that the administrator of the division of adult institutions approve these policies.
16. Remove requirement that each institution permit visits on weekends or some weekday nights, or both, and requires the visitation schedule be consistent with other institution activities and available resources.

17. Visitation for inmates in segregation status [would be] changed in the following ways:

<u>STATUS</u>	<u>CURRENT</u>	<u>PROPOSED</u>
Adjustment	1hr/wk	1 hr/wk
Program	2-4 hr/month	1 hr/wk
Control	None	Warden approval
Administrative (Observation)	3x 2 hr/month	Warden approval

18. Remove requirement that institutions have written policies and procedures relating to visits in segregation and allows institutions to limit visitation for inmates in segregation by restricting minor visitors, number of visitors, hours and location of visits or if Warden determines the visit poses a threat to safety.
19. Permit the Warden, in addition to security director, to impose no-contact visiting.
20. Permit the Warden to impose no-contact visiting for either an initial application or subsequent review of visiting status.
21. All the Warden to impose no-contact visiting for more than one year and inmate may appeal to administrator.
22. Remove the time limits for suspending visiting privileges and removes the inmate appeal specifically related to visitation. Inmates still maintain appeal rights under the disciplinary process.
23. Remove requirement that the administrator approve revocation of visiting privileges and removes language allowing reapplication for visiting privileges.
24. Repeal provision related to inter-institution visits of family members.