

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Correctional System - prisons

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN2505,

Topic:

Prohibit corrections department inmates from telemarketing and data entry

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>
/?	nelsorp1 06/16/2001	wjackson 06/16/2001		_____			
/1			pgreensl 06/17/2001	_____	lrb_docadmin 06/17/2001		
/2	nelsorp1 06/17/2001	wjackson 06/17/2001	haugeca 06/18/2001	_____	lrb_docadmin 06/18/2001		

Ver's. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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MGD

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/?	nelsorp1 06/16/2001	wjackson 06/16/2001		_____			
/1		<i>/2 Wlj 6/17</i>	pgreensl 06/17/2001	_____	lrb_docadmin 06/17/2001		

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Pre Topic:

SDC:.....Keckhaver - CN2505,

Topic:

see-1112

Prohibit corrections department inmates from telemarketing and data entry

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>
1?	nelsorp1	1 WLJ 6/16	6/16 PS	6/18 pg 10			

FE Sent For:

<END>

Agency: Corrections

caucus number 2011

duplicate flag: y
duplicate with: 1016;5510

Other reference numbers:

LFB Sum #:

FM 934

bill number/amendment number:

LRB draft #

LRB P-draft:

description: Delete funds and positions annually in DOC associated with the secure inmate work program ("chain gangs").

other notes

drafting instructions:

more instructions:

GPR: (\$343,000.00)

PR: \$0.00

SEG: \$0.00

Other:

md

FED: \$0.00

TANF: \$0.00

All Funds: \$0.00

GPR-REV: \$0.00

SEG-REV: \$0.00

PR-REV: \$0.00

no fiscal impact:

unknown impact:

caucus number 2505

duplicate flag:

Other reference numbers:

LFB Sum #:

duplicate with:

bill number/amendment number:

LRB draft #

LRB P-draft:

description: Add SB 129 which prohibits prisoners from telemarketing and data entry of anyone's information but other prisoners.

other notes

drafting instructions:

more instructions:

GPR: \$0.00

PR: (\$85,000.00)

SEG: \$0.00

Other:

rpn

FED: \$0.00

TANF: \$0.00

All Funds: \$0.00

GPR-REV: \$0.00

SEG-REV: \$0.00

PR-REV: \$0.00

no fiscal impact:

unknown impact:

caucus number 2707

duplicate flag:

Other reference numbers:

LFB Sum #:

duplicate with:

bill number/amendment number: 1999 AB 277

LRB draft #

LRB P-draft:

description: Fiscal impact statement for all prison bills.

other notes

drafting instructions:

more instructions:

GPR: \$0.00

PR: \$0.00

SEG: \$0.00

Other:

md

FED: \$0.00

TANF: \$0.00

All Funds: \$0.00

GPR-REV: \$0.00

SEG-REV: \$0.00

PR-REV: \$0.00

no fiscal impact: x

unknown impact:

PRISONER ACCESS TO PERSONAL INFORMATION

CN2505

Add Senate Bill 129, which basically prohibits prisoners from telemarketing and data entry of anyone's information but other prisoners.

FB/JFC reference: NEW

Fiscal effect: Eliminating this program would provide a cost savings to the state of +\$85,000, because costs of running the program exceeds revenue.

Net change in cost: -\$225,000 PR
Net change in revenue: -\$140,000 PR

**See attached Fiscal Estimate for SB 129.

RPN

Fiscal Estimate - 2001 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 01-1112/1	Introduction Number SB-129
Subject Prisoner-telephone solicitors access to information	
Fiscal Effect	
State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input checked="" type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input checked="" type="checkbox"/> Decrease Costs	
Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected Affected Ch. 20 Appropriations <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.410(1)(a) and 20.410 (1)(km)	
Agency/Prepared By DOC/ Colleen Godfriaux (608) 266-0300	Authorized Signature Robert Margolies (608) 266-2931
Date 04/23/2001	

Fiscal Estimate Narratives
DOC 04/24/2001

LRB Number 01-1112/1	Introduction Number SB-129	Estimate Type Original
Subject Prisoner-telephone solicitors access to information		

Assumptions Used in Arriving at Fiscal Estimate

This bill prohibits the Department of Corrections (DOC) from entering into a contract or agreement if a prisoner would have access to "personal information" of an individual and creates disclosure requirements for prisoners who make telephone solicitations or answer toll-free telephone numbers.

Currently, DOC is under contract with one data entry operation at the Racine Correctional Institution and one data entry operation at the Robert E. Ellsworth Correctional Center (REEC). Eighty percent of the work at these sites results in inmate access to information that is defined as personal by SB 129. It is projected that the remaining twenty percent of work would not be sufficient to make these operations viable. Thus these data entry operations will need to be closed and an average of 45 inmates will become idle.

If these operations were closed, based on FY01 data, PRO revenues would decrease by \$140,000 annually. PRO expenditures would be reduced by \$230,500 annually through the elimination of 4.00 FTE, 3 LTEs, supplies and services, and inmate wages.

In addition to data entry, 6 inmates at the Robert E. Ellsworth Correctional Center provided 7,410 hours answering toll-free telephone numbers for various state agencies in fiscal year 2000. The agencies involved were charged the cost of the inmate wages, which varied between \$1.00 and \$2.00 per hour. The revenue for this program always equals the expenditures and does not carry a balance. With the disclosure requirement included in this bill, it is expected that this program would cease. It is not expected that this bill would have any fiscal impact on the department, but would increase inmate idleness.

GPR costs would increase by \$5,500 annually to cover costs for inmate wages who are involuntary unassigned

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2001 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 01-1112/1		Introduction Number SB-129	
Subject			
Prisoner-telephone solicitors access to information			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$	
(FTE Position Changes)			(-4.0 FTE)
State Operations - Other Costs		5,500	
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$5,500	\$-230,500
B. State Costs by Source of Funds			
GPR		5,500	
FED			
PRO/PRS			-230,500
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS			-140,000
SEG/SEG-S			
TOTAL State Revenues		\$	\$-140,000
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$-225,000	\$
NET CHANGE IN REVENUE		\$-140,000	\$
Agency/Prepared By		Authorized Signature	Date
DOC/ Colleen Godfriaux (608) 266-0300		Robert Margolies (608) 266-2931	04/23/2001

2001 SENATE BILL 129

April 11, 2001 - Introduced by Senators ERPENBACH, BURKE, DARLING, DECKER, HANSEN and HARSDORF, cosponsored by Representatives FOTI, ZIEGELBAUER, SCHNEIDER, POCAN, RYBA, PLOUFF, MUSSER, TURNER, STASKUNAS, PETTIS, LASSA, BERCEAU, KREUSER, PLALE, PETROWSKI and GUNDERSON. Referred to Committee on Economic Development and Corrections.

1 **AN ACT** *to renumber and amend* 196.208 (11) (d); *to amend* 134.95 (2), 196.208
2 (10) (a) and 301.029 (2) (a); and *to create* 134.73, 196.208 (5p) and 196.208 (11)
3 (d) 2. of the statutes; **relating to:** contract authority of the department of
4 corrections, prisoner access to personal information of persons who are not
5 prisoners, requiring prisoners conducting telephone solicitations or answering
6 toll-free telephone numbers to identify themselves as prisoners, and providing
7 a penalty.

Analysis by the Legislative Reference Bureau

Under current law, as enacted in the 1999 biennial budget bill, the department of corrections (DOC) may not enter into any contract or other agreement if, in the performance of the contract or agreement, a prisoner would perform data entry or telemarketing services and would have access to an individual's financial transaction card numbers, checking or savings account numbers, or social security number or to any information that may identify a minor. Under the bill, DOC could not enter into a contract if the prisoner would perform data entry or telemarketing services and would have access to any personal identifying information of an individual who is not a prisoner. 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.

2001

Date (time) needed

soon

LRB b 08931 1

AMDT TO BUDGET SUB AMDT

RPN: Wlj:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**SENATE AMENDMENT
TO ~~SENATE AMENDMENT~~
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

At the locations indicated, amend the substitute amendment ~~Amendment~~ as follows:

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

2001

AMENDMENTS

LRB 0993 11

RPN : _____

AMENDMENT ITEM

↓ #. Page 940, line 4: after that line insert: (insert 940-4)

↓ #. Page 989, line 6: after that line insert: (insert 989-6)

↓ #. Page 1068, line 2: after that line insert: (insert 1068-2)

#. Page 1397, line 6: after that line insert: (insert 1397-6)

#. Page , line : after that line insert: (insert)

#. Page , line : after that line insert: (insert)

#. Page , line : after that line insert: (insert)

#. Page , line : after that line insert: (insert)

#. Page , line : after that line insert: (insert)

#. Page , line : after that line insert: (insert)

SENATE BILL 129

inserts

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 (a civil monetary penalty) 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, by 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:

14 *2726 m*

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).

insert
940-4

SENATE BILL 129

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

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

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

- 8 (a) Identify himself or herself by name.
9 (b) State that he or she is a prisoner.
10 (c) Inform the person called of the name of the correctional or detention facility
11 in which he or she is a prisoner and the city and state in which the facility is located.

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

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

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

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

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

Insert
940-4

SENATE BILL 129

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. ✓

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 subsection:

- 6 1. "Charitable organization" has the meaning given in s. 440.41 (1).
- 7 2. "Prisoner" has the meaning given in s. 134.73 (1) (b).

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

- 12 1. Identify himself or herself by name.
- 13 2. State that he or she is a prisoner.
- 14 3. Inform the calling party 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 (c) A charitable organization or toll-free service vendor that directly or
17 indirectly employs a prisoner shall provide reasonable supervision of the prisoner to
18 assure the prisoner's compliance with par. (b).

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

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

SENATE BILL 129

③ 2981r

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

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

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

989-67

③ 2981s

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

10 196.208 (11) (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to
11 forfeit not more than \$500.

12 b. A person who employs a prisoner to answer calls made to a toll-free
13 telephone number may be required to forfeit not more than \$10,000 if the person
14 violates sub. (5p) (c), aids and abets a prisoner's violation of sub. (5p) (b), is a party
15 to a conspiracy with a prisoner to commit a violation of sub. (5p) (b), or advises, hires,
16 or counsels or otherwise procures a prisoner to commit a violation of sub. (5p) (b). ✓ 0

✓ ③ 3325g

17 SECTION 7. 301.029 (2) (a) of the statutes is amended to read:

18 301.029 (2) (a) The department may not enter into any contract or other
19 agreement if, in the performance of the contract or agreement, a prisoner would
20 perform data entry or telemarketing services and have access to an individual's
21 financial transaction card numbers, checking or savings account numbers; or social
22 security number or to any personal identifying information, as defined in s. 943.201
23 (1) (b), of an individual who is not a prisoner. "0

1068-2

24 SECTION 8. ~~Initial applicability.~~

SENATE BILL 129

1
 2 *inserts* *of* *2nd* *(1)* CONTRACTS FOR DATA ENTRY OR TELEMARKETING SERVICES. The treatment of
 3 section 301.029 (2) (a) of the statutes first applies to contracts entered into or
 4 renewed by the department of corrections on the effective date of this subsection. *⊙*

(END) *of*
inserts

Hanaman, Cathlene

From: Keckhaver, John
Sent: Sunday, June 17, 2001 2:02 PM
To: Hanaman, Cathlene
Subject: RE: CN 5005, District Attorneys change

-----Original Message-----

From: Hanaman, Cathlene
Sent: Sunday, June 17, 2001 1:05 PM
To: Keckhaver, John
Subject: RE: CN 5005, District Attorneys change

Cathlene,

I just spoke with Jere Bauer at lfb about CN 2505, I have some new information for Bob Nelson, but don't see his email in the lrb list. Can you forward this to him? If I have the name wrong, please let me know. Thanks.
John

Regarding CN 2505. We want the GPR costs to DOC to be swallowed by DOC. We don't want to increase GPR by the 5,000 approximately/year as a result of this amendment. We do want the PR effects noted, however, a decrease in PR of \$172,900 in 01-02, and a decrease in PR of \$230,500 in 02-03, and a decrease of 4.0 positions/year, PR. If you have any questions on this, please call Jere Bauer at the LFB, he is aware of what we're trying to do with this. Thanks a lot.
John



SDC:.....Keckhaver – CN2505, Prohibit corrections department inmates from telemarketing and data entry

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

197
↓
Page 199, line 15¹ decrease the dollar amount for fiscal year 2001-02 by \$172,900 and decrease the dollar ~~amount~~^{amount} for fiscal year 2002-03 by \$230,500 to decrease the authorized FTE positions for the department of corrections by 400 PR positions.

1 At the locations indicated, amend the substitute amendment as follows:

2 #. Page 940, line 4: after that line insert:

3 "SECTION 2826m. 134.73 of the statutes is created to read:

4 **134.73 Identification of prisoner making telephone solicitation. (1)**

5 DEFINITIONS. In this section:

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

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

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

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

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

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

8 (a) Identify himself or herself by name.

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

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

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

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

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

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

21 **SECTION 2826p.** 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

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.”.

4 **2.** Page 989, line 6: after that line insert:

5 **“SECTION 2981m.** 196.208 (5p) of the statutes is created to read:

6 196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this subsection:

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

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

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

13 1. Identify himself or herself by name.

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

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

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

20 **SECTION 2981p.** 196.208 (10) (a) of the statutes is amended to read:

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

1 a charitable organization or toll-free service vendor that a caller may access by a call
2 originating in this state.

3 **SECTION 2981r.** 196.208 (11) (d) of the statutes is renumbered 196.208 (11) (d)
4 1. and amended to read:

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

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

11 **SECTION 2981s.** 196.208 (11) (d) 2. of the statutes is created to read:

12 196.208 (11) (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to
13 forfeit not more than \$500.

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

19 **3.** Page 1068, line 2: after that line insert:

20 **“SECTION 3325q.** 301.029 (2) (a) of the statutes is amended to read:

21 301.029 (2) (a) The department may not enter into any contract or other
22 agreement if, in the performance of the contract or agreement, a prisoner would
23 perform data entry or telemarketing services and have access to an individual's
24 financial transaction card numbers, checking or savings account numbers; or social

1 security number or to any personal identifying information, as defined in s. 943.201
2 (1) (b), of an individual who is not a prisoner.”.

3 **4.** Page 1397, line 6: after that line insert:

4 “(7k) CONTRACTS FOR DATA ENTRY OR TELEMARKETING SERVICES. The treatment of
5 section 301.029 (2) (a) of the statutes first applies to contracts entered into or
6 renewed by the department of corrections on the effective date of this subsection.”.

7 (END)

SDC:.....Keckhaver – CN2505, Prohibit corrections department inmates
from telemarketing and data entry

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 197, line 15: decrease the dollar amount for fiscal year 2001-02 by
3 \$172,900 and decrease the dollar amount for fiscal year 2002-03 by \$230,500 to
4 decrease the authorized FTE positions for the department of corrections by 4.0 PR
5 positions.

6 **2.** Page 940, line 4: after that line insert:

7 **“SECTION 2826m.** 134.73 of the statutes is created to read:

8 **134.73 Identification of prisoner making telephone solicitation. (1)**

9 **DEFINITIONS.** In this section:

10 (a) “Contribution” has the meaning given in s. 440.41 (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) REQUIREMENTS. A prisoner who makes a telephone solicitation shall do all
10 of 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) PENALTIES. (a) A prisoner who violates this section may be required to forfeit
20 not more than \$500.

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

24 SECTION 2826p. 134.95 (2) of the statutes is amended to read:

1 134.95 (2) SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a
2 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,
3 134.72, 134.73, or 134.87 or ch. 136 or a rule promulgated under these sections or that
4 chapter, the person shall be subject to a supplemental forfeiture not to exceed
5 \$10,000 for that violation if the conduct by the defendant, for which the fine or
6 forfeiture was imposed, was perpetrated against an elderly person or disabled person
7 and if any of the factors under s. 100.264 (2) (a), (b), or (c) is present.”.

8 **3.** Page 989, line 6: after that line insert:

9 “**SECTION 2981m.** 196.208 (5p) of the statutes is created to read:

10 196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this subsection:

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

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

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

17 1. Identify himself or herself by name.

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

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

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

24 **SECTION 2981p.** 196.208 (10) (a) of the statutes is amended to read:

1 196.208 (10) (a) Subsections (2) to (5) apply to any pay-per-call service that
2 a caller may access by a call originating in this state and ~~sub. subs. (5p) and (5t)~~
3 applies apply to any charitable organization, toll-free service vendor, or employee of
4 a charitable organization or toll-free service vendor that a caller may access by a call
5 originating in this state.

6 **SECTION 2981r.** 196.208 (11) (d) of the statutes is renumbered 196.208 (11) (d)
7 1. and amended to read:

8 196.208 (11) (d) 1. ~~Any~~ Except as provided in subd. 2., any person who violates
9 subs. (2) to (9) shall be required to forfeit not less than \$25 nor more than \$5,000 for
10 each offense.

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

14 **SECTION 2981s.** 196.208 (11) (d) 2. of the statutes is created to read:

15 196.208 (11) (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to
16 forfeit not more than \$500.

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

22 **4.** Page 1068, line 2: after that line insert:

23 **"SECTION 3325q.** 301.029 (2) (a) of the statutes is amended to read:

1 301.029 (2) (a) The department may not enter into any contract or other
2 agreement if, in the performance of the contract or agreement, a prisoner would
3 perform data entry or telemarketing services and have access to an individual's
4 financial transaction card numbers, checking or savings account numbers; or social
5 security number or to any personal identifying information, as defined in s. 943.201
6 (1) (b), of an individual who is not a prisoner."

7 **5.** Page 1397, line 6: after that line insert:

8 “(7k) CONTRACTS FOR DATA ENTRY OR TELEMARKETING SERVICES. The treatment of
9 section 301.029 (2) (a) of the statutes first applies to contracts entered into or
10 renewed by the department of corrections on the effective date of this subsection.”.

11 **(END)**