

## 2005 ASSEMBLY BILL 36

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

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*Analysis by the Legislative Reference Bureau*

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*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 (1r) (a) and  
9           amended to read:

10           302.36 (1r) (a) 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

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1 (14) (g) for the separation of criminals from noncriminals; persons of different sexes;  
2 and persons alleged to be mentally ill. All prisoners shall be kept segregated  
3 accordingly.

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

5 302.36 (1g) The sheriff, jailer, or keeper of a jail shall segregate prisoners under  
6 sub. (1r) or establish a prisoner classification system under sub. (3).

7 **SECTION 4.** 302.36 (1g) of the statutes, as created by 2005 Wisconsin Act .... (this  
8 act), is repealed.

9 **SECTION 5.** 302.36 (1r) of the statutes, as affected by 2005 Wisconsin Act .... (this  
10 act), is repealed.

11 **SECTION 6.** 302.36 (2) of the statutes is renumbered 302.36 (1r) (b) and  
12 amended to read:

13 302.36 (1r) (b) Notwithstanding ~~sub. (1), the par. (a), a~~ sheriff, jailer, or keeper  
14 segregating prisoners under this subsection may permit prisoners of different sexes  
15 to participate together in treatment or in educational, vocational, religious, or  
16 athletic activities or to eat together, under such supervision as the sheriff, jailer, or  
17 keeper deems necessary.

18 **SECTION 7.** 302.36 (3) of the statutes is created to read:

19 302.36 (3) If adopted by the sheriff, jailer, or keeper of a jail, a prisoner  
20 classification system shall be used to determine prisoner housing assignments, how  
21 to supervise and provide services and programs to a prisoner, and what services and  
22 programs to provide a prisoner. The prisoner classification system shall be based on  
23 objective criteria, including a prisoner's criminal offense record and gender,  
24 information relating to the current offense for which the prisoner is in jail, the  
25 prisoner's history of behavior in jail, the prisoner's medical and mental health

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1 condition, and any other factor the sheriff, jailer, or keeper of a jail considers  
2 necessary to provide for the protection of prisoners, staff, and the general public.

3 **SECTION 8.** 302.36 (3) of the statutes, as created by 2005 Wisconsin Act .... (this  
4 act), is renumbered 302.36 and amended to read:

5 **302.36 Segregation and classification Classification of prisoners.** If  
6 adopted by the The sheriff, jailer, or keeper of a jail, shall establish a prisoner  
7 classification system ~~shall be used~~ to determine prisoner housing assignments, the  
8 ~~type of prisoner supervision, and the delivery of services and programs to prisoners~~  
9 how to supervise and provide services and programs to a prisoner, and what services  
10 and programs to provide a prisoner. The prisoner classification system shall be based  
11 on objective criteria, including a prisoner's criminal offense record and gender,  
12 information relating to the current offense for which the prisoner is in jail, the  
13 prisoner's history of behavior in jail, the prisoner's medical and mental health  
14 condition, and any other factor the sheriff, jailer, or keeper of a jail considers  
15 necessary to provide for the protection of prisoners, staff, and the general public.

16 **SECTION 9. Effective dates.** This act takes effect on the day after publication,  
17 except as follows:

18 (1) The repeal of section 302.36 (1g) and (1r) of the statutes and the  
19 renumbering and amendment of section 302.36 (3) of the statutes take effect on  
20 January 1, 2008.

21 (END)