

2005 Assembly Bill 36

Date of enactment: **April 10, 2006**
Date of publication*: **April 20, 2006**

2005 WISCONSIN ACT 295

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

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 (1) of the statutes is renumbered 302.36 (1r) (a) and amended to read:

302.36 (1r) (a) All jails using a prisoner segregation 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 3. 302.36 (1g) of the statutes is created to read:

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

SECTION 4. 302.36 (1g) of the statutes, as created by 2005 Wisconsin Act (this act), is repealed.

SECTION 5. 302.36 (1r) of the statutes, as affected by 2005 Wisconsin Act (this act), is repealed.

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

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

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

302.36 (3) If adopted by the sheriff, jailer, or keeper of a jail, a prisoner classification system shall be used to determine prisoner housing assignments, how to supervise and provide services and programs to a prisoner, and what services and programs to provide a prisoner. The prisoner classification system shall be based on objective criteria, including a prisoner's criminal offense record and gender, information relating to the current offense for which the prisoner is in jail, the prisoner's history of behavior in jail, the prisoner's medical and mental health condition, and any other factor the sheriff, jailer, or keeper of a jail considers necessary to provide for the protection of prisoners, staff, and the general public.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

302.36 Segregation and classification Classification of prisoners. ~~If adopted by the~~ The sheriff, jailer, or keeper of a jail, shall establish a prisoner classification system ~~shall be used to determine prisoner housing assignments, the type of prisoner supervision, and the delivery of services and programs to prisoners~~ how to supervise and provide services and programs to a prisoner, and what services and programs to provide a prisoner. The prisoner classification system shall be based on

objective criteria, including a prisoner's criminal offense record and gender, information relating to the current offense for which the prisoner is in jail, the prisoner's history of behavior in jail, the prisoner's medical and mental health condition, and any other factor the sheriff, jailer, or keeper of a jail considers necessary to provide for the protection of prisoners, staff, and the general public.

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

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