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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Corrections and the Courts...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Present: (9) Representatives Bies, Gundrum, Owens, Suder, LeMahieu, Pope-Roberts, Wasserman, Seidel and Parisi.

Absent: (1) Representative Underheim.

Moved by Representative LeMahieu, seconded by Representative Bies that **Assembly Amendment 1** be recommended for adoption.

Ayes: (8) Representatives Bies, Gundrum, Owens, Suder, LeMahieu, Wasserman, Seidel and Parisi.

Noes: (1) Representative Pope-Roberts.

Absent: (1) Representative Underheim.

ASSEMBLY AMENDMENT 1 ADOPTION RECOMMENDED,
Ayes 8, Noes 1

Moved by Representative Seidel, seconded by Representative Wasserman that **Assembly Amendment 2** be recommended for adoption.

Ayes: (3) Representatives Wasserman, Seidel and Parisi.

Noes: (6) Representatives Bies, Gundrum, Owens, Suder, LeMahieu and Pope-Roberts.

Absent: (1) Representative Underheim.

ASSEMBLY AMENDMENT 2 ADOPTION NOT
RECOMMENDED, Ayes 3, Noes 6

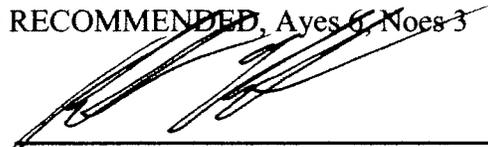
Moved by Representative Gundrum, seconded by Representative LeMahieu that **Assembly Bill 616** be recommended for passage as amended.

Ayes: (6) Representatives Bies, Gundrum, Owens, Suder, LeMahieu and Wasserman.

Noes: (3) Representatives Pope-Roberts, Seidel and Parisi.

Absent: (1) Representative Underheim.

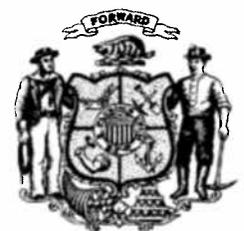
PASSAGE AS AMENDED RECOMMENDED, Ayes 6, Noes 3



Andrew Nowlan
Committee Clerk



WISCONSIN STATE LEGISLATURE



Outline of Testimony on AB 616
Use of Wine in Religious Services
Steve Casperson, Administrator
Division of Adult Institutions
Department of Corrections
Assembly Committee on Corrections and the Courts
October 5, 2005

Introduction

- My name is Steve Casperson, Administrator of the Division of Adult Institutions in the Department of Corrections (DOC) and I am here to testify for information only on AB 616. I have with me Sheri Graeber, Superintendent of the Drug Abuse Correctional Center in Winnebago to assist me in answering your questions. Sheri has 26 years of experience in substance abuse treatment, is a certified alcohol and drug counselor, a certified clinical supervisor and a licensed clinical social worker.
- My Division has the responsibility to safely run all maximum, medium and minimum-security correctional facilities operated by the State of Wisconsin.

Mission of DOC

- Primary mission of DOC is to ensure the safety and security of offenders, staff and the public.
- This includes providing opportunities for the development of constructive offender skills to lessen criminal behavior and reduce victimization.

Importance of Religious Programming

- The Department believes that religious programming can have a positive impact on the lives and rehabilitation of offenders.
- DOC employs chaplains at all of our major institutions and we have successfully recruited hundreds of volunteers of all faiths across the state.

- Approximately 700 religious leaders come into our facilities 7 days a week to provide offenders with individual pastoral visits, bible studies and a variety of other religious services.
- The Department has established long-standing protocols, policies and procedures that have enabled offenders to practice their religion without compromising DOC's primary responsibility to maintain safety.

Current Law

- Current law makes it a crime for a jailer or keeper of a prison to give or allow any intoxicating liquor to a prisoner.
- If this prohibition is eliminated in the statutes the Department will work with clergy to provide these substances in a safe and secure manner.

Programmatic/Treatment Concerns

- While we would implement any change in law on allowing inmates to consume intoxicating substances as part of a religious service to the best of our ability, we have programmatic and treatment concerns that we want to make you aware of.
- 70% of the prison population has a substance abuse problem.
- Incarcerated persons are often involved in AODA treatment programs or preparing to enter AODA programs. They are especially vulnerable to cravings, which can occur with exposure to mind/mood altering chemicals.
- Abstinence from mind/mood altering chemicals has been shown to have the greatest rehabilitative success. The majority of the literature supports abstinence-based programming.
- DOC and DHFS AODA treatment programs are abstinence-based.
- Quantity is irrelevant in addiction to mind/mood altering chemicals; small amounts of a mind/mood-altering chemical can trigger the onset of cravings.
- Since there are differing opinions among medical practitioners regarding the impact of even small amounts of alcohol on an addicted individual, would we be inadvertently exposing some individuals to an unnecessary risk?
- Inmates may be taking medications for which alcohol is contraindicated.

Conclusion

- Religious programming has a positive impact on the lives of offenders.
- Majority of offenders will be returning to their communities at the completion of their sentences.
- DOC wants to ensure that these offenders have the necessary tools to ensure they do not re-offend and subsequently return to prison.
- Introducing wine into prison, while not an insurmountable obstacle, will pose a greater challenge to get some offenders to successfully address their substance abuse issues.
- If AB 616 passes into law, the Department will work with our security and treatment staff to develop policies and procedures to ensure that the introduction of wine into prison as part of a religious service is done in a safe manner.

I would be happy to answer any questions of committee members. Thank you.



Statement before Assembly Committee on Corrections and the Courts

Rev. Gary V. Gehlbach, Sharon, Wisconsin

5 October 2005

Greetings. My name is Gary Gehlbach. I am an Evangelical-Lutheran pastor and a member of The Lutheran Church–Missouri Synod. I have been serving a small congregation in rural Sharon, Wisconsin, for the past fifteen years. Before that, I served three years in central Wisconsin in Wautoma, Hancock, and Plainfield.

I would like to thank your committee for considering AB616 and for giving the opportunity to speak to you. I speak in support of AB616 which would allow the use of wine in a religious service in Wisconsin jails, prisons, and houses of correction.

Having served small congregations, I have had limited opportunities to minister to members in Wisconsin prisons. About sixteen years ago, I was able to administer Christ's body and blood to an inmate under the forms of bread and wine. A few years ago, I was forbidden to use wine at the Columbia facility in Portage.

When I asked for an explanation of this change, a member of the chaplains staff informed me that Wisconsin prisons allowed no alcohol on the premises. He kindly tried to accommodate me. He said I could commune him under one form – the bread – like the Catholics. I told him that up until Vatican II that was the official position of the Roman Church and for them remains an acceptable alternative practice to this day. He asked if I would be willing to use grape juice like the other Protestants. I informed him that the use of grape juice is the normal and accepted practice of most Protestant Churches.

As the chaplain attempted to accommodate me, I discovered that the Wisconsin correctional system endorsed the communion practice of certain Christian churches but forbade the communion practice which has historically been associated with the Evangelical-Lutheran Church. From its foundational documents, the Lutheran Church has asserted its use of both forms in the sacrament – "It is taught among us that the true body and blood of Christ are really present in the Supper of our Lord under the form of bread and wine and are there distributed and received. The contrary doctrine is therefore rejected" (AC X). The use of only wine in the Lord's Supper is the official position of The Lutheran Church–Missouri Synod (2001 LCMS Proceedings, p. 141; 1994 SWD Proceedings, p. 99).

In previous hearings, I found out that the prisons actually do not allow alcohol. Medical doctors are permitted to prescribe alcohol-based medications. I found this ironic that the prison system allowed on-going alcohol-based medical treatment but forbade an occasional use of one ounce or less of communion wine by doctors of the soul.

I understand the dilemma of the correctional facilities. They are there to punish for earthly misdeeds. My calling is to forgive and heal for eternal blessings. My desire is for my members to recognize their sins and desire the forgiveness of sins which comes from Christ Jesus alone. If my incarcerated members recognized their sins and that they justly deserved the punishment they received, even the prison-keepers would rejoice over such a change. But the prison-keepers cannot offer the forgiveness of sins through the suffering and blood of Jesus Christ, that is what I have been called to do.

I believe AB616 will permit the correctional system to do what it has been given to do – punish and reform – and permit me to do what I have been given to do – generously bestow the forgiveness of sins through Jesus Christ upon those whom the Triune God has entrusted to me.

Thank you for your time and your patience.



**To: Assembly Committee on Corrections and the Courts
Members**

From: Senator Glenn Grothman

**Re: Testimony on Assembly Bill 616 – Use of wine in a
religious service in a prison, jail or house of
correction**

Date: October 5, 2005

Thank you of the Assembly Committee on Corrections and Courts for the opportunity to speak about Assembly Bill (AB) 616.

This bill was drafted after the Fox Lake Correctional Institute refused to allow a clergyman to administer wine to an inmate as part of a Holy Communion ceremony: administering actual wine in a communion ceremony is an integral part of many Christian denominations.

I have tried to work with the Department of Corrections (DOC) to rectify this problem. We were advised that a DOC Religious Practice Advisory Committee, being formed at the time, would work on the issue. The committee, selected by the DOC, unanimously recommended giving wine to inmates as part of communion. Now, the DOC, relying on Wisconsin Statute 302.375 (1m), still refuses to allow the practice and is disregarding the position of its own hand-picked committee.

In my discussion with DOC they are afraid this will harm inmates with alcohol problems and have even refused to allow mixtures of ¼ wine, ¾ water. My discussions with reformed alcoholics view that small amount of wine to be almost comical.

Intervention by clergyman is extremely helpful in reforming inmates. DOC ought to welcome them into their prisons with open arms rather than make their jobs more difficult.

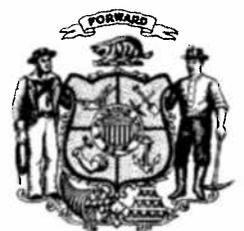
Further, clergy members and lawyers stand ready to bring litigation against the state in this matter if it is not addressed.

The DOC's practice in this area is in contrast to what the courts have ruled. In Levitan v. Ashcroft (281 F. 3d 1313, 2002) The U.S. Court of Appeals overturned a lower court order that denied wine to Catholic inmates during communion services at a federal prison.

This means that if a member of the clergy or an inmate decides to sue the state and the Department of Corrections on being denied wine as part of a religious service, the state will probably lose. There is already a precedent set. The state should not be forced to spend money to defend itself in a lawsuit that could be avoided.



WISCONSIN STATE LEGISLATURE



Written testimony of; Thomas G. Koepsell, Minister of Discipleship of Our Redeemer Lutheran Church, Wisconsin Evangelical Lutheran Synod, given for hearing of Assembly Bill 616, Wednesday, October 5, 2005 at 10:00 A.M.

As I understand it, the purpose of the law addressed by Assembly Bill 616 is to prevent alcohol abuse of any kind among inmates or to foster or support an alcoholic condition, or to impede the process of reforming an alcoholic or controlling his or her condition.

The purpose of communion, also called the Sacrament of the Altar or the Lord's Supper, is the strengthening of a faith that has been damaged by sin and sinful behavior. According to Lutheran Theology as formulated upon the clear Word of God, the Holy Scriptures, The Lord's Supper has such power because it is a "Means of Grace." As a Means of Grace, The Lord's Supper has the power to strengthen the faith of the participant finding its power in the Word of God used in with and under the participation in the elements. This Lord's Supper is a sacrament in the Lutheran church because it was instituted by Jesus Christ as such. Therefore we chose to give the Lord's Supper as Jesus gave it in the Upper Room on the night of his betrayal.

Accordingly, noted Lutheran Theologian Francis Pieper states:

Francis Pieper on the elements used in the Lord's Supper
Christian Dogmatics, 1953, Concordia:
St. Louis
Vol. III, p.354

[As in Baptism]"...neither in the Lord's Supper do we dare to substitute aught for bread and wine. If something else is

substituted, doubts must necessarily arise whether our celebration is the Supper instituted by Christ."

A footnote to this statement reads in part: "No detailed specifications as to the sort of bread and wine are given [in the words used in Matt. 26.]... It is likewise unessential whether red wine or white wine be used, or whether the wine be undiluted or mixed with water (as was likely used by Christ).

Accordingly, the Lord's Supper can be given to the incarcerated to accomplish the purposes of both Church and State – strengthening his faith, and consequently his ability to live an upright life, and to reform him for a useful and productive life in the community.

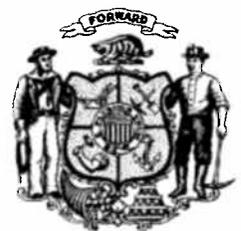
Since, according to Lutheran Theology, the wine may be diluted to whatever is considered a safe level by those who deal with alcoholism in the medical field, Assembly Bill 616 can be implemented (from our view point) without doing violence to the spirit and purpose of the existing law.

If a religion fostered a belief that intoxicants were to be used as part of a religious rite that filled us with the Spirit (or some such thing), such a practice would interfere with the good purposes of State and could understandably be forbidden. But because the amount of wine used is totally irrelevant in Christian Lutheran doctrine, the law need only concern itself with the amount of wine permissible for purposes of administering this sacrament.

The right to freedom of religion we enjoy under the laws of this nation and the State of Wisconsin calls for the adoption of Assembly bill 616.



WISCONSIN STATE LEGISLATURE





WISCONSIN CATHOLIC CONFERENCE

TO: Members of the Assembly Corrections and the Courts Committee

FROM: Barbara Sella, Associate Director 

DATE: October 5, 2005

RE: AB 616—DOC Policy on Communion Wine

The Wisconsin Catholic Conference has long advocated protecting the religious rights of prison inmates and we write today in support of Assembly Bill 616, which would permit prison inmates to receive communion wine as part of a religious ritual.

For Catholics religious freedom is a civil right and, as Vatican II's *Declaration on Religious Freedom* teaches, constitutional limits should always be placed on the powers of governments to inhibit religious rights and their public expression.

The *Declaration* explains that this freedom derives from the very nature of human beings, not from any individual's merit or disposition. As a result, the right to religious liberty exists even for non-believers and by extension for those who have previously strayed from the truth.

However, the *Declaration* also recognizes that legitimate concerns for public order can be invoked by governments in restricting this liberty. The issue at hand, therefore, is whether DOC's policy on sacramental wine truly represents a legitimate concern for security.

The WCC recognizes that the issue of permitting prisoners to consume wine is complex. First, because DOC strictly prohibits the consumption of alcohol within its institutions, citing security reasons. Second, because if DOC were to permit the use of sacramental wine, other faith traditions might legitimately insist that prisoners have access to a whole range of foods and drinks that DOC finds problematic, difficult to supply or both.

From the Catholic standpoint, the Eucharist is complete even when only the bread is received. As the *Catechism of the Catholic Church* teaches, "Since Christ is sacramentally present under each of the species, communion under the species of bread alone makes it possible to receive all the fruit of Eucharistic grace." (#1390)

While the Catholic Church teaches that bread alone suffices for the reception of the sacrament, it also teaches that priests can only fully celebrate the Eucharist when they consecrate and consume

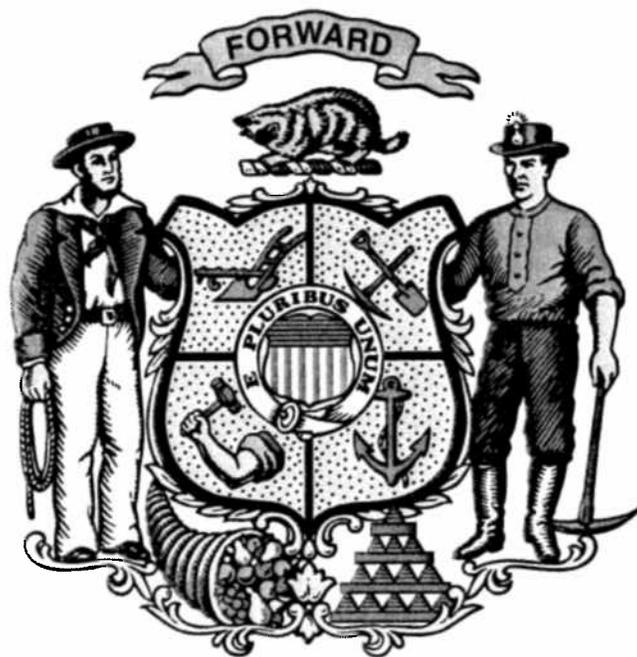
both the bread and the wine. For this reason, DOC has accommodated our priests by permitting them to bring in sacramental wine. We recognize, however, that this is not the case for all faiths and we would like their traditions to be respected as much as possible.

Sacramental wine was one of the topics discussed last year by the DOC's Religious Practice Advisory Committee (RPAC), of which the WCC is a member. The committee has been meeting regularly for over two years to study DOC's Internal Management Procedures (IMPs) and to discuss ways in which the faith community can foster the rehabilitation of inmates, both within prison and upon their release.

In September 2004, the RPAC unanimously recommended that the DOC permit the religious use of communion wine, consistent with the policy adopted by the US Department of Justice Federal Bureau of Prisons.

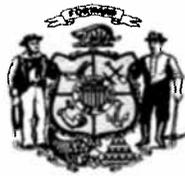
As we did in September 2004, when we signed the RPAC recommendation, we support changing the DOC's policy and we hope for the passage of AB 616.

Thank you.



Jim Doyle
Governor

Matthew J. Frank
Secretary



Mailing Address

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State of Wisconsin
Department of Corrections

MEMORANDUM

Date: October 7, 2005
To: Robert Margolies
Legislative Liaison
From: Jeff Wydeven, Director
Planning and Operations Unit
Subject: Communal Wine Survey

Mr. Casperson asked me to survey several states to review the communal wine issue. Ten states were polled with focus on the mid-western states or those comparable. Of the ten:

- No state allowed wine for inmate consumption (juice only)*
- Four states did not allow wine at all, only juice.*
- Six states allowed small amounts of consecrated wine to be used only by the Catholic Priest under controlled conditions*

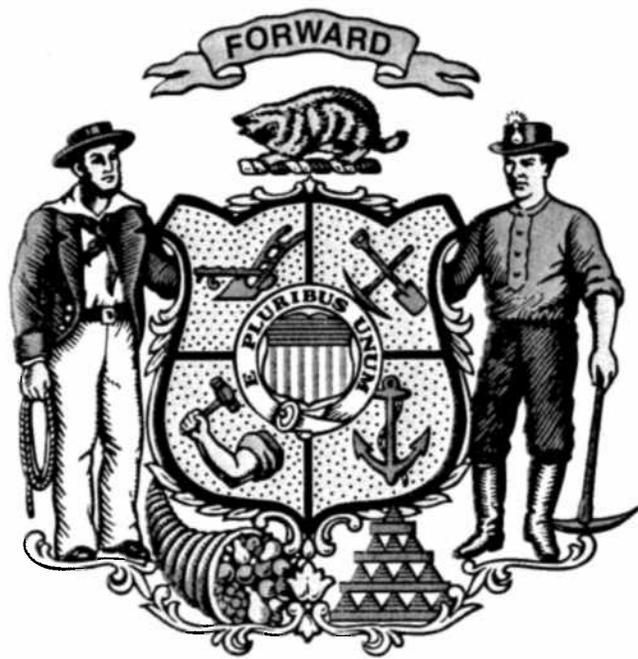
The actual results are noted below.

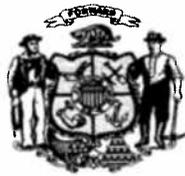
1. **MICHIGAN:**
Allows a maximum of 2 ounces of consecrated wine for the Catholic Priest only. NO INMATE USE.
2. **IOWA:**
Not allowed at all.
3. **OHIO:**
Not allowed at all.
4. **ILLINOIS:**
Allows a maximum of 1 ounce of consecrated wine for the Catholic Priest only. NO INMATE USE.
5. **CONNECTICUT:**
Allows a maximum of 2 ounces of consecrated wine for the Catholic Priest only. NO INMATE USE.
6. **NORTH DAKOTA:**
Allows a "small amount" of consecrated wine for the Catholic Priest only. NO INMATE USE.
7. **PENNSYLVANIA:**
Allows a maximum of 2 ounces of consecrated wine for the Catholic Priest only. NO INMATE USE.
8. **MINNESOTA:**
Not allowed at all.
9. **SOUTH DAKOTA:**
Not allowed at all.

10. KANSAS:

Allows a maximum of 2 ounces of consecrated wine for the Catholic Priest only. NO INMATE USE.

Cc: S. Casperson
J. Bett
D. Symdon
D. Westfield
D. Warren
file





Jim Doyle
Governor

Matthew J. Frank
Secretary

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State of Wisconsin Department of Corrections

MEMORANDUM

Date: October 18, 2005
To: Robert Margolies
Legislative Liaison
From: Jeff Wydeven, Director
Planning and Operations Unit
Subject: Communal Wine Survey

Mr. Casperson asked me to survey several states to review the communal wine issue. Eleven states and the Federal Bureau of Prisons were polled with focus on the mid-western states or those comparable. Of the 12 jurisdictions:

- Ten states do not allow any wine for inmate consumption (juice only).*
- One state (Georgia) does not allow inmates to drink wine, but depending upon the religion, an inmate may be allowed to have the communion wafer dipped in a diluted wine solution (see below).*
- The Federal Bureau of Prisons (FBOP) does permit inmates to receive small amount to wine for a religious ritual. (see below).*
- Four states did not allow wine in to the institution at all, only juice.*
- Six states allowed small amounts of consecrated wine to be used only by the Catholic Priest under controlled conditions.*
- Of those that allow wine, it is limited to no more than 2 ounces.*

The actual results are noted below.

1. MICHIGAN:

Allows a maximum of 2 ounces of consecrated wine for the Catholic Priest only. NO INMATE USE.

2. IOWA:

Not allowed at all.

3. OHIO:

Not allowed at all.

4. ILLINOIS:

Allows a maximum of 1 ounce of consecrated wine for the Catholic Priest only. NO INMATE USE.

5. CONNECTICUT:

Allows a maximum of 2 ounces of consecrated wine for the Catholic Priest only. NO INMATE USE.

6. NORTH DAKOTA:

Allows a "small amount" of consecrated wine for the Catholic Priest only. NO INMATE USE.

7. PENNSYLVANIA:

Allows a maximum of 2 ounces of consecrated wine for the Catholic Priest only. NO INMATE USE.

8. MINNESOTA:

Not allowed at all.

9. SOUTH DAKOTA:

Not allowed at all.

10. KANSAS:

Allows a maximum of 2 ounces of consecrated wine for the Catholic Priest only. NO INMATE USE.

11. GEORGIA:

The facility Chaplain first attempts to negotiate a variance, and substitute grape juice. If the Chaplain is unable to so, the Chaplain may purchase wine with an alcohol content of 12-18% and keep it in the medical pharmacy. 1-2 ounces of wine may then be dispensed, under conditions similar to those of a controlled drug, for communion. This amount is then diluted by mixing it with one-third (1/3) water. The wine is then administered observing the "intinction" method, i.e., the communion wafer is dipped into the diluted wine solution and given to the inmate. No inmate is allowed to drink wine. Please see the attached Georgia Department of Corrections policy VA01-0010, *Communion Wine*.

12. FBOP:

Inmates may be permitted to receive small amounts of wine as part of a religious ritual only when administered under the supervision of the BOP Chaplains, clergy contractors, or clergy volunteers under authorized by the FBOP to perform the ritual. The wine is dispensed only under strict control and inmates may not give wine to other inmates. For scheduled services for which wine is authorized, FBOP Chaplaincy staff will provide the wine in a disposable 2 ounce covered container. This container and any unused wine must be disposed of in order to prevent abuse. Please see the attached FBOP Program Statement pertaining to wine (2 pages) P5360.09, *Religious Beliefs and Practices*. This is a 22 page document and available upon request or at the FBOP website.

Cc: S. Casperson
J. Bett
D. Symdon
D. Westfield
D. Warren
file



U.S. Department of Justice
Federal Bureau of Prisons

Program Statement

OPI: CFD/REB
NUMBER: P5360.09
DATE: 12/31/2004
SUBJECT: Religious Beliefs and
Practices

1. **[PURPOSE AND SCOPE §548.10. (a)** The Bureau of Prisons provides inmates of all faith groups with reasonable and equitable opportunities to pursue religious beliefs and practices, within the constraints of budgetary limitations and consistent with the security and orderly running of the institution and the Bureau of Prisons.]

2. **SUMMARY OF CHANGES**

- The use and type of religious headwear and religious garments are delineated;
- Due dates for the annual report have been changed;
- Some of the implementing text has been moved under appropriate rules language sections;
- The religious diet accommodation for the certified food component has been modified;
- The credentials required for religious contracts and volunteers have been clarified. The required forms have been developed;
- Any religious group whose doctrine, rituals or practices espouse domestic and/or foreign terrorism, or advocates any type of violence will not be authorized to meet;
- Staff supervision requirements for inmate religious programs is delineated;
- Language requirements used in religious programming is defined;
- The unauthorized religious practices are expanded to include language or behaviors that could be reasonably construed as a threat to safety, security, or orderly running of the institution; and,
- The Ceremonial Meal Equity Formula Threshold is modified.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

- a. Religious accommodations will be made for all religions authorized to meet in Bureau of Prisons facilities.

chapel programming. Inmates may recite formulaic prayers in the language required by their religion. Sermons, original oratory, teachings and admonitions must be delivered in English. The warden may authorize the delivery of programs in other languages only when it is appropriate to accommodate the overall needs of the population. Best correctional practices for each religion are included in the Practical Guidelines for Administration of Inmate Religious Beliefs and Practices Technical Reference Manual.

The Warden may periodically review religious practices to determine whether a religious practice remains within the scope of best correctional practice and religious accommodation. If upon review, the Warden determines that a religious practice jeopardizes institution safety, security and good order, the practice may be temporarily restricted. The religious practice may resume only upon completion of a thorough evaluation of the practice with respect to compelling government interests and least restrictive alternatives.

To ensure the safety, security and good order of the institution, any religious group that encourages domestic and/or foreign terrorism, or advocates any type of violence will not be authorized to meet.

b. Religious Use of Wine. Inmates may be permitted to receive small amounts of wine as part of a religious ritual only when administered under the supervision of BOP chaplains, clergy contractors, or clergy volunteers authorized by the Bureau to perform the ritual.

Because wine is otherwise a contraband substance, it can be dispensed only under strict control and supervision. Inmates will not be allowed to give wine to other inmates. For this PS' purposes, the consumption of wine under these circumstances will not be considered consumption of alcohol or ingestion of an illegal substance.

The institution will purchase the wine using normal procurement procedures. Wine will be secured in an appropriate area of the chapel. For scheduled services for which wine is authorized, chaplaincy staff will provide the wine to the contract or volunteer community minister in a disposable 2 ounce covered container. The container will be used to measure and transport the wine. The minister will dispose of the empty 2 ounce container or any unused portion of the wine to protect against contamination or abuse. The chaplain will inform staff of

Functional Area: Programs/Chaplaincy	Prev. Eff. Date: 10/01/98	Page 2 of 3
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GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Functional Area: Programs/Chaplaincy	Reference Number: VA01-0010	Revises Previous Effective Date: 10/01/98
Subject: Communion Wine		
Authority: Wetherington/Doctor	Effective Date: 2/01/01	Page 1 of 3

I. POLICY:

It is the policy of the Georgia Department of Corrections to allow communion services to be held in their facility setting. For specific denominations and faiths i.e., Roman Catholic, Episcopal and Lutheran Churches, wine with an alcoholic content from 12 to 18% may be required for the communion service. Since alcohol is generally a controlled substance and not allowed in the facility setting, procedures provide guidance to the chaplaincy and other facility staff in regard to the control of communion wine.

II. APPLICABILITY:

All State/County facilities, Transitional and Detention Centers.

III. RELATED DIRECTIVES:

A. Americans with Disabilities Act.

IV. DEFINITIONS:

NONE.

V. ATTACHMENTS:

NONE.

VI. PROCEDURE:

- A. Communion wine is to be treated as a controlled substance. In the facility setting, discretion and caution should be exercised regarding the use of alcohol in the communion service.
- B. To minimize reinforcing substance abuse, i.e., those inmates who have problems with alcohol, wine given to the inmate should be minimal. Therefore, if wine is required

Functional Area: Programs/Chaplaincy	Prev. Eff. Date:	Page 2 of
	Effective Date:	Reference Number:
	10/01/98	3
	2/01/01	VX01-0010

doctrinally by the faith group, then the intinction method will be observed.

- C. In the event that the Chaplain has been unable to negotiate a variance (the substitution of grape juice), the facility Chaplain may purchase and keep wine with the alcoholic content of 12 to 18% in the medical section, pharmacy section or other designated controlled area. Supply funds may be used for these purchases with prior approval.
- D. Records of receipts and disbursements will be signed and controlled as any other drug.
- E. One ounce and not more than two ounces can be issued as needed for the communion service.
- F. The following procedures will be utilized for drawing and utilizing communion wine:
 - 1. The facility Chaplain will draw one ounce. He/She will sign for the amount drawn.
 - 2. The Priest/Minister will be responsible for coordinating communion services with the facility Chaplain and the mixing of one third (1/3) water with the wine.
 - 3. The Priest will obtain the wine from the Chaplain prior to the service. If the service is held in the evening or weekend then the wine would be placed in a controlled area and the Priest draw and sign for the wine.
 - 4. The Roman Catholic Priest is to consume or properly dispose of all the wine and leave no wine available for inmates.
 - 5. The Episcopal, Lutheran and other Ministers will use the intinction method, i.e., the wafer will be dipped in the wine and given to the inmate. The remaining wine is to be consumed or properly disposed by the Minister/Chaplain and not be available to the inmates.





STATE REPRESENTATIVE
Garey Bies
1ST ASSEMBLY DISTRICT
COMMITTEE ON CORRECTIONS AND THE COURTS

Memorandum

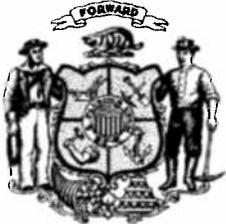
To: Members, Assembly Corrections and the Courts Committee
From: Rep. Garey Bies, Chair
Date: November 1, 2005
Re: November 2, Executive Session

Attached please find a copy of an amendment to Assembly Bill 616, which is scheduled for Executive Action on Wednesday, November 2. This amendment is being offered by Rep. Joe Parisi.

First for Wisconsin!



WISCONSIN STATE LEGISLATURE



AB 616 -

Allowing wine at communion in jail/prison.

DOC religious practices ^{advisory} committee voted unanimously to allow wine in religious ceremonies.

DOC believes current law prevents wine in communion.

DOC believes religious practices are important for rehabilitation.

An appeals court has ruled that prohibiting wine in religious ceremonies is unconstitutional. (what state)

> Small amounts of alcohol can trigger the cravings associated with alcoholism

> Does this open the door to other [religious] issues? Allow sacrament, what else must then be allowed?

- More litigation? DOC: YES

- > It is the introduction of contraband.
 - Data is that quantity is not the issue, just the introduction
- > The prescription of alcohol-based medications is allowed.
- > Specify amount? $\frac{1}{4}$ oz or less...
- > Done at Federal Level
- No community cup
1oz ~~week~~ ceremony

616 A/S Z

If DOC can disallow
consumption of wine
if DOC feels the
wine would be inconsistent
with the inner mental
or health treatment.