

**2013 DRAFTING REQUEST**

**Bill**

Received: 6/27/2013 Received By: phurley  
Wanted: As time permits Same as LRB: -3800  
For: Duey Stroebel (608) 267-2369 By/Representing:  
May Contact: Drafter: phurley  
Subject: Correctional System - jails Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: rep.stroebel@legis.wisconsin.gov  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Strip searches of persons placed with other prisoners in jail after arrest

**Instructions:**

Include in the definition of "detainee" a person arrested for any misdemeanor or ordinance who will be placed in custody with other prisoners

**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>
/P1	phurley 10/28/2013	scalvin 7/3/2013	rschlue 7/3/2013	_____	srose 7/3/2013		State S&L
/1		scalvin 10/28/2013	jfrantze 10/28/2013	_____	srose 10/28/2013	lparisi 12/9/2013	State S&L

FE Sent For:

<END>

→ At  
Intro.

## 2013 DRAFTING REQUEST

### Bill

Received: **6/27/2013** Received By: **phurley**  
Wanted: **As time permits** Same as LRB:  
For: **Duey Stroebel (608) 267-2369** By/Representing:  
May Contact: Drafter: **phurley**  
Subject: **Correctional System - jails** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **rep.stroebel@legis.wisconsin.gov**  
Carbon copy (CC) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Strip searches of persons placed with other prisoners in jail after arrest

---

### Instructions:

Include in the definition of "detainee" a person arrested for any misdemeanor or ordinance who will be placed in custody with other prisoners

---

### 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>
/P1	phurley 10/28/2013	scalvin 7/3/2013	rschluet 7/3/2013	_____	srose 7/3/2013		State S&L
/1		scalvin 10/28/2013	jfrantze 10/28/2013	_____	srose 10/28/2013		State S&L

FE Sent For:

<END>

## 2013 DRAFTING REQUEST

### Bill

Received: **6/27/2013** Received By: **phurley**  
Wanted: **As time permits** Same as LRB:  
For: **Duey Stroebel (608) 267-2369** By/Representing:  
May Contact: Drafter: **phurley**  
Subject: **Correctional System - jails** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **rep.stroebel@legis.wisconsin.gov**  
Carbon copy (CC) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Strip searches of persons placed with other prisoners in jail after arrest ✓

---

### Instructions:

Include in the definition of "detainee" a person arrested for any misdemeanor or ordinance who will be placed in custody with other prisoners

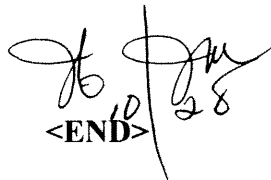
---

### 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>
/P1	phurley 7/1/2013	scalvin 7/3/2013	rschluet 7/3/2013	_____	srose 7/3/2013		State S&L

FE Sent For:

1 sac  
10/28/2013

  
<END>

**2013 DRAFTING REQUEST**

**Bill**

Received: **6/27/2013** Received By: **phurley**  
Wanted: **As time permits** Same as LRB:  
For: **Duey Stroebel (608) 267-2369** By/Representing:  
May Contact: Drafter: **phurley**  
Subject: **Correctional System - jails** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **rep.stroebel@legis.wisconsin.gov**  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given


**Topic:**

Strip searches of persons placed with other prisoners in jail after arrest ✓

**Instructions:**

Include in the definition of "detainee" a person arrested for any misdemeanor or ordinance who will be placed in custody with other prisoners

**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>
/P1	phurley	/P1 sac 07/03/2013		_____	_____		State S&L

FE Sent For:

<END>



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

6-1-13

①

gen cat

AN ACT ...; relating to: strip searches<sup>^</sup>

***Analysis by the Legislative Reference Bureau***

Under current law, a person may be strip searched when he or she is arrested for any felony, for certain misdemeanors, or for any misdemeanor or civil violation if there is probable cause to believe that the person is concealing a weapon or concealing something that would constitute evidence of the offense for which he or she has been detained.

\*  
\*

Current law requires that <sup>the</sup> person conducting the <sup>strip</sup> same search is the same sex as the person searched (detainee), unless the search is <sup>a</sup> body cavity search conducted by a physician, physician assistant or registered nurse, that the detainee be shielded from the view of any person not conducting the search, that the search not be video or audio recorded, that the person conducting the search generally obtains the prior written permission from the chief, sheriff, or law enforcement administrator for his or her jurisdiction, and that the person conducting the search prepares and provides to the detainee a written report that sets forth the details of the search and its authorization.

Under current law, those requirements do not apply if the detainee is confined as a condition of probation or to serve a sentence after a criminal conviction, if the detainee is confined in a juvenile correctional facility or secured residential care center, or if the detainee is committed, transferred, or admitted to certain mental health facilities.

Under this bill, a person may be strip searched, subject to the requirements imposed under current law, if he or she is arrested for any felony, misdemeanor, or civil violation, and he or she will be incarcerated, imprisoned or otherwise detained in a jail or prison with one or more other persons.

For further information see the *state and local* 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:***

1 SECTION 1. 968.255 (1) (a) of the statutes is amended to read:

2 968.255 (1) (a) "~~Detained~~<sup>cc</sup> Detainee<sup>22</sup> means any of the following:

- 3 1. ~~Arrested~~ A person arrested for any felony.
- 4 2. ~~Arrested~~ A person arrested for any misdemeanor under s. 167.30 (1), 940.19,
- 5 941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.
- 6 3. ~~Taken~~ A person taken into custody under s. 938.19 and there are reasonable
- 7 grounds to believe the juvenile has committed an act which if committed by an adult
- 8 would be covered under subd. 1. or 2.
- 9 4. ~~Arrested~~ A person arrested for any misdemeanor not specified in subd. 2.,
- 10 any other violation of state law punishable by forfeiture or any local ordinance if
- 11 there is probable cause to believe the person is concealing a weapon or a thing which
- 12 may constitute evidence of the offense for which he or she is detained.

13 SECTION 2. 968.255 (1) (a) 5. of the statutes is created to read:

14 968.255 (1) (a) 5. A person arrested for any misdemeanor not specified in subd.  
15 2., any other violation of state law punishable by forfeiture or any local ordinance if,  
16 after arrest, the person will be incarcerated, imprisoned or otherwise detained in a  
17 jail or prison with one or more other persons.

18 SECTION 3. 968.255 (2) (intro) of the statutes is amended to read:

19 968.255 (2) <sup>(intro.)</sup> ~~No person may be the subject of conduct~~ a strip search unless he  
20 ~~or she is a detained person and if all of the following apply:~~

1           **SECTION 4.** 968.255 (2) (a) of the statutes is renumbered 968.255 (2) (am) and  
2 amended to read:

3           968.255 (2) (am) The person conducting the search is of the same sex as the  
4 ~~person detained~~ detainee, unless the search is a body cavity search conducted under  
5 sub. (3);

6 **History:** 1979 c. 240; 1981 c. 297; 1987 a. 332; 1991 a. 17; 1993 a. 95, 105; 1995 a. 77, 154; 1997 a. 35; 1999 a. 9; 2001 a. 109; 2005 a. 344; 2011 a. 35.

7           **SECTION 5.** 968.255 (2) (ag) of the statutes is created to read:

8           968.255 (2) (ag) The person subject to the search is a detainee.

9           **SECTION 6.** 968.255 (2) (b), (c), (d), and (e) of the statutes are amended to read:

10           (b) The ~~detained person~~ detainee is not exposed to the view of any person not  
11 conducting the search;

12           (c) The search is not reproduced through a visual or sound recording;

13           (d) A person conducting the search has obtained the prior written permission  
14 of the chief, sheriff or law enforcement administrator of the jurisdiction where the  
15 person is detained, or his or her designee, unless there is probable cause to believe  
16 that the ~~detained person~~ detainee is concealing a weapon; and,

17           (e) A person conducting the search prepares a report identifying the person  
18 detained, all persons conducting the search, the time, date and place of the search  
19 and the written authorization required by par. (d), and provides a copy of the report  
20 to the ~~person detained~~ detainee.

**History:** 1979 c. 240; 1981 c. 297; 1987 a. 332; 1991 a. 17; 1993 a. 95, 105; 1995 a. 77, 154; 1997 a. 35; 1999 a. 9; 2001 a. 109; 2005 a. 344; 2011 a. 35.

(END)

297 North LRB

10-24-13

— P 2, (1) reasonable suspicion, not probable cause  
don't change

— person who is detained on the order of community corrections, probation, extended supervision, parole revocation

agent

add into 5, anyone detained for prob/parole) ext. sup/violation

new 5.

Any person lawfully ~~detained~~ arrested or ~~by a law enforcement agency~~ if

lawfully detained  
L.E. agency

or lawfully  
or lawfully





**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

10-28-13

*gen cat*

1 **AN ACT** *to renumber and amend* 968.255 (2) (a); *to amend* 968.255 (1) (a),  
2 968.255 (2) (intro.) and 968.255 (2) (b), (c), (d) and (e); and *to create* 968.255  
3 (1) (a) 5. and 968.255 (2) (ag) of the statutes; **relating to:** strip searches.

***Analysis by the Legislative Reference Bureau***

Under current law, a person may be strip searched when he or she is arrested for any felony, for certain misdemeanors, or for any misdemeanor or civil violation if there is probable cause to believe that the person is concealing a weapon or concealing something that would constitute evidence of the offense for which he or she has been detained.

Current law requires that the person conducting the strip search is the same sex as the person searched (detainee), unless the search is a body cavity search conducted by a physician, physician assistant or registered nurse, that the detainee be shielded from the view of any person not conducting the search, that the search not be video or audio recorded, that the person conducting the search generally obtains the prior written permission from the chief, sheriff, or law enforcement administrator for his or her jurisdiction, and that the person conducting the search prepares and provides to the detainee a written report that sets forth the details of the search and its authorization.

Under current law, those requirements do not apply if the detainee is confined as a condition of probation or to serve a sentence after a criminal conviction, if the detainee is confined in a juvenile correctional facility or secured residential care center, or if the detainee is committed, transferred, or admitted to certain mental health facilities.

or  
otherwise  
lawfully detained  
by law enforcement

Under this bill, a person may be strip searched, subject to the requirements imposed under current law, if he or she is arrested for any felony, misdemeanor, or civil violation and he or she will be incarcerated, imprisoned or otherwise detained in a jail or prison with one or more other persons.

For further information see the **state and local** 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:**

x

1 SECTION 1. 968.255 (1) (a) of the statutes is amended to read:

2 968.255 (1) (a) "~~Detained~~" "Detainee" means any of the following:

3 1. ~~Arrested~~ A person arrested for any felony.

4 2. ~~Arrested~~ A person arrested for any misdemeanor under s. 167.30 (1), 940.19,  
5 941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.

6 3. ~~Taken~~ A person taken into custody under s. 938.19 and there are reasonable  
7 grounds to believe the juvenile has committed an act which if committed by an adult  
8 would be covered under subd. 1. or 2.

9 4. ~~Arrested~~ A person arrested for any misdemeanor not specified in subd. 2.,  
10 any other violation of state law punishable by forfeiture or any local ordinance if  
11 there is probable cause to believe the person is concealing a weapon or a thing which  
12 may constitute evidence of the offense for which he or she is detained.

x

13 SECTION 2. 968.255 (1) (a) 5. of the statutes is created to read:

14 968.255 (1) (a) 5. A person arrested for any misdemeanor not specified in subd.  
15 2., any other violation of state law punishable by forfeiture or any local ordinance if,  
16 after arrest, the person will be incarcerated, imprisoned or otherwise detained in a  
17 jail or prison with one or more other persons.

x

18 SECTION 3. 968.255 (2) (intro.) of the statutes is amended to read:

or otherwise  
lawfully detained or taken into custody, if



Parisi, Lori

---

**From:** Soper, John  
**Sent:** Monday, December 09, 2013 4:00 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2589/1 Topic: Strip searches of persons placed with other prisoners in jail after arrest

Please Jacket LRB -2589/1 for the ASSEMBLY.