



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2015 Wisconsin Act 206
[2015 Senate Bill 248]

**Strip Searches of Certain Detained
Persons**

BACKGROUND

Wisconsin law sets forth guidelines for conducting a strip search of persons arrested or otherwise lawfully detained or taken into custody. Generally, a person may be subject to a strip search if he or she was arrested for any felony, certain specified misdemeanors, or any other misdemeanor or forfeiture if there is probable cause to believe the person is concealing a weapon or other thing that may constitute evidence of the offense for which he or she is detained.

Under prior law, a person who was not arrested under the circumstances described above, but who was arrested or otherwise lawfully detained or taken into custody, was also subject to a strip search if he or she was to be incarcerated, imprisoned, or otherwise detained in a jail or prison with one or more other persons for at least 12 hours.

2015 WISCONSIN ACT 206

Wisconsin Act 206 modifies the circumstances under which a person who was not arrested for a felony or certain specified misdemeanors and who is not suspected of concealing a weapon or other evidence, but who was arrested or otherwise detained or taken into custody and will be held with more than one person, may be subject to a strip search. The Act removes the requirement that a person will be incarcerated, imprisoned, or otherwise detained for at least 12 hours. Under the Act, a person who is arrested or otherwise lawfully detained or taken into custody may be subject to a strip search if he or she will be incarcerated, imprisoned, or otherwise detained in a jail or prison with one or more persons, regardless of how long he or she will be incarcerated, imprisoned, or otherwise detained.

Effective date: March 3, 2016

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.