

2019 DRAFTING REQUEST

Bill

For: **Paul Tittl (608) 266-0315** Drafter: **ewheeler**
 By: **Steve** Secondary Drafters:
 Date: **3/7/2019** May Contact:
 Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Tittl@legis.wisconsin.gov**
 Carbon copy (CC) to: **Elizabeth.Wheeler@legis.wisconsin.gov**
Melinda.Johns@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Value of personal property allowed in state correctional facilities

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 3/18/2019	kfollett 3/19/2019			
/P1			lparisi 3/19/2019		
/1			dwalker 2/6/2020	dwalker 2/6/2020	

FE Sent For: **<END>**

↳ Not Needed

2019 DRAFTING REQUEST

Bill

For: Paul Tittl (608) 266-0315 Drafter: ewheeler
 By: Steve Secondary Drafters:
 Date: 3/7/2019 May Contact:

Same as LRB:

Submit via email: YES
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Pre Topic:

No specific pre topic given

Topic:

Value of personal property allowed in prison *state correctional facilities*

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler				

FE Sent For: <END>

Wheeler, Elizabeth

From: Hall, Steve
Sent: Wednesday, March 06, 2019 1:03 PM
To: Wheeler, Elizabeth
Subject: DOC 309.20(5)

Follow Up Flag: Follow up
Flag Status: Flagged

Let's start at \$125 and keep future amounts at whole dollar amounts by rounding the cents to the next highest dollar.

Thanks, Elizabeth.

Steve Hall

Office of Representative Paul Tittl
25th Assembly District
State of Wisconsin
608-266-0315
Steve.Hall@legis.wi.gov

From: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Sent: Wednesday, March 06, 2019 11:49 AM
To: Hall, Steve <Steve.Hall@legis.wisconsin.gov>
Subject: RE: DOC 309.20(5)

Should we start with a cap of \$130, increased annually per the CPI? Or would you prefer to be more precise at \$127?

Elizabeth Wheeler

Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
Direct: 608-504-5880
Elizabeth.wheeler@legis.wisconsin.gov

From: Hall, Steve <Steve.Hall@legis.wisconsin.gov>
Sent: Wednesday, March 06, 2019 11:48 AM
To: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Subject: DOC 309.20(5)

Elizabeth,

Thanks for your speedy and very helpful reply.

Please work on option #1 making a statutory change to increase the personal property amounts based on the inflation rate since 1994 and to include a continuing automatic rate adjustment either annually or bi-annually going forward.

Thanks!

Steve

Steve Hall

Office of Representative Paul Tittl
25th Assembly District
State of Wisconsin
608-266-0315
Steve.Hall@legis.wi.gov

From: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Sent: Wednesday, March 06, 2019 11:04 AM
To: Hall, Steve <Steve.Hall@legis.wisconsin.gov>
Subject: FW: DOC 309.20(5)

Hi Steve,

Links to the historical documents related to Admin Code section DOC 309.20 (5) are below. The provision was created in 1994. Using a simple online inflation calculator, it looks like \$75 in 1994 dollars is worth \$127.38 today. \$350 is worth \$594.46 today.

As we discussed on the phone, I see a few options available:

1. Adjust the current limits per the consumer price index to account for inflation either through a direct code modification or by imposing the limits by statute.
2. Increase the limit for textbooks or religious texts either by direct code modification or statute.
3. Increase the limit for all personal property to another number (not tied to the original \$75 adjusted by inflation).

Note that personal property under DOC 309.20 (5) requires a receipt from the merchandise supplier, which would seem to resolve any dispute about the actual price of the item supplied.

Please let me know how you would like to proceed. There may be other approaches in addition to what I've suggested – if none of those seems quite right we can keep thinking about it.

Thank you,

Elizabeth Wheeler
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
Direct: 608-504-5880
Elizabeth.wheeler@legis.wisconsin.gov

From: Gradian, Emma <Emma.Gradian@legis.wisconsin.gov>
Sent: Wednesday, March 06, 2019 10:28 AM
To: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Subject: DOC 309.20(5)

Hi Elizabeth,

Here is the info you requested. DOC 309.20(5) was created in 1994 with both the \$75 and \$350 limits added at that time, see rule text [here](#). I would also recommend taking a look at the [inserted](#) and [removed](#) chapters to see the before and after of the rule changes.

Let me know if you have any questions.

Emma Gradian
Legislative Analyst/Administrative Rules Editor
Wisconsin Legislative Reference Bureau
Emma.Gradian@legis.wisconsin.gov
608-504-5899



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2347(?)

EAW...

OP
SF

in 3/18 due 3/19

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Under this bill, a prisoner or resident of a state correctional institution may not possess personal property with a value exceeding \$125, or a musical instrument or electronic item with a value exceeding \$600. Under the bill, these

1

AN ACT ...; relating to: the value of tangible personal property allowed in prison.

State Correctional facilities

Analysis by the Legislative Reference Bureau

Under current rules promulgated by the Department of Corrections, a prisoner or resident of a state correctional institution may not possess personal property with a value exceeding \$75, except that he or she may possess a musical instrument or electronic item with a value up to \$350 and may possess any item that is medically prescribed. This bill increases the allowable value of personal property to \$125 for personal property and \$600 for a musical instrument or electronic item, and no limit for items that are medically prescribed. Under the bill, the allowable value for personal property increases each year to account for inflation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 301.32 (1m) of the statutes is created to read:

3

301.32 (1m) PERSONAL PROPERTY; ALLOWABLE VALUE. (a) A prisoner or resident

4

of a state correctional institution may possess a musical instrument or individual or

5

combination electronic item with a purchase value not to exceed \$600. The purchase

1 value of other items except those ^{e that} (which) are medically prescribed may not exceed
2 \$125 for each item.

3 (b) The value limits established under par. (a) shall be adjusted annually by a
4 percentage equal to the average of the consumer price index over the preceding
5 12-month period, all items, U.S. city average, as determined by the bureau of labor
6 statistics of the federal department of labor, except that the percentage under this
7 subsection may not be less than zero.

8 (END)

Wheeler, Elizabeth

From: Hall, Steve
Sent: Wednesday, February 05, 2020 2:38 PM
To: Wheeler, Elizabeth
Subject: 19-2347_P1.pdf, related to corrections policy concerning personal property

Elizabeth,

Please take the bill of p status and send an introducible version.

Thanks.

Steve

Steve Hall

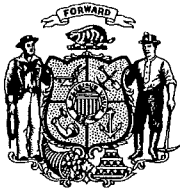
Office of Representative Paul Tittl
25th Assembly District
State of Wisconsin
608-266-0315
Steve.Hall@legis.wi.gov

From: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Sent: Tuesday, April 09, 2019 9:17 AM
To: Hall, Steve <Steve.Hall@legis.wisconsin.gov>
Subject: 19-2347_P1.pdf

Hi Steve,

Here is the electronic version of the bill you requested. Let me know if you need anything else!

Elizabeth



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2347/P1
EAW:kjf

NO
Changes

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT to create** 301.32 (1m) of the statutes; **relating to:** the value of tangible
2 personal property allowed in state correctional facilities.

Analysis by the Legislative Reference Bureau

Under current rules promulgated by the Department of Corrections, a prisoner or resident of a state correctional institution may not possess personal property with a value exceeding \$75, except that he or she may possess a musical instrument or electronic item with a value up to \$350 and may possess any item that is medically prescribed. Under this bill, a prisoner or resident of a state correctional institution may not possess personal property with a value exceeding \$125, or a musical instrument or electronic item with a value exceeding \$600. Under the bill, there is no limit for items that are medically prescribed. Under the bill, the allowable value for personal property increases each year to account for inflation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 **SECTION 1.** 301.32 (1m) of the statutes is created to read:
4 **301.32 (1m) PERSONAL PROPERTY; ALLOWABLE VALUE.** (a) A prisoner or resident
5 of a state correctional institution may possess a musical instrument or individual or
6 combination electronic item with a purchase value not to exceed \$600. The purchase

1 value of other items except those that are medically prescribed may not exceed \$125
2 for each item.

3 (b) The value limits established under par. (a) shall be adjusted annually by a
4 percentage equal to the average of the consumer price index over the preceding
5 12-month period, all items, U.S. city average, as determined by the bureau of labor
6 statistics of the federal department of labor, except that the percentage under this
7 subsection may not be less than zero.

8 (END)

Walker, Dan

From: LRB.Legal
To: Rep.Tittl@legis.wisconsin.gov
Subject: Draft review: LRB -2347/1
Attachments: 19-2347/1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Elizabeth Wheeler, Legislative Attorney, at (608) 504-5880, at Elizabeth.Wheeler@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for introduction in the Assembly.

If a jacket is needed immediately, please let us know in your response e-mail so we know to immediately jacket the proposal for you.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.