
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: January 24, 2022

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2021 Assembly Bill 565

**Assembly Substitute
Amendment 1**

2021 ASSEMBLY BILL 565

2021 Assembly Bill 565 requires the Department of Corrections (DOC) to allow an inmate in a state correctional institution (or a third-party on behalf of an inmate) to purchase DOC-approved hobby, religious, and other personal items through a contracted vendor. The bill requires DOC to ensure that inmates have equal access to the approved items offered by each vendor and prohibits DOC from giving preference to any contracted vendor and from limiting the items offered by a vendor based on the availability of the same or similar items through a canteen or other purchase option.

Under the bill, DOC must contract with at least three vendors to provide department-approved hobby, religious, and other personal items through a competitive bid process under the state procurement statute. At least one of the vendors must maintain a storefront in a first-class city (currently, the City of Milwaukee) that allows a third-party, on behalf of an inmate, to place in-person orders for approved items. Each vendor must allow sales from a catalog and through the internet.

The bill requires DOC to complete all activities it determines are necessary to implement the bill's provisions within 30 days of the bill's effective date.

ASSEMBLY SUBSTITUTE AMENDMENT 1

As under the bill, Assembly Substitute Amendment 1 requires DOC to allow an inmate in a state correctional institution (or a third-party on behalf of the inmate) to purchase DOC-approved hobby, religious, and other personal items through a contracted vendor and to ensure that inmates have equal access to those items.

Also as under the bill, the substitute amendment requires DOC to contract with at least three vendors through a competitive bid process to provide these items, each of whom must allow sales from a catalog and through the internet, and at least one of whom must offer a location in a first-class city that allows for person-to-person transactions using cash or a credit card for items to be delivered to an inmate.

The substitute amendment differs from the bill in the following ways. The substitute amendment:

- Allows DOC to contract with two vendors if fewer than three bids satisfy the bid criteria, and specifies that a single solicitation must be used for all bids.
- Does not prohibit DOC from limiting the items offered by a vendor based on the availability of the same or similar items through a canteen or other purchase option. However, as under the bill, DOC must still ensure that each contracted vendor offers substantially all of the approved items and may not give preference to any contracted vendor.
- Requires DOC to complete all activities that it determines are necessary to implement the bill's provisions within 90 days of the bill's effective date, rather than 30 days.

- Clarifies that the provisions regarding the competitive bid process take effect on the bill's effective date, but that DOC may count a vendor toward the three-vendor requirement if it has a contract in place with a vendor on the bill's effective date that provides contractual services that are substantially similar to those specified in the competitive bid process.

BILL HISTORY

Representative Schraa introduced Assembly Substitute Amendment 1 on October 25, 2021. On January 19, 2022, the Assembly Committee on State Affairs recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 11; Noes, 1.

TK:ksm