



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4432/1
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2023 ASSEMBLY BILL 771

December 8, 2023 - Introduced by Representatives DRAKE, CLANCY, MADISON, SINICKI, CONLEY, JOERS, SHELTON, EMERSON, J. ANDERSON, STUBBS, PALMERI, SUBECK, ANDRACA, JACOBSON, HAYWOOD and NEUBAUER, cosponsored by Senators ROYS, LARSON and TAYLOR. Referred to Committee on Corrections.

1 **AN ACT** *to create* 302.081 and 302.082 of the statutes; **relating to:** recreational
2 opportunities and structured programming for inmates in state correctional
3 institutions and county jails and houses of correction.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Corrections to ensure that all state correctional institutions provide, and sheriffs to ensure that all county jails and houses of correction provide, recreational opportunities and organized, structured programming that is relevant to the interests and needs of the inmates being held in the state correctional institutions, jails, and houses of correction.

The bill also requires that when staffing levels meet or exceed 80 percent for officer staffing and structured programming staffing, each inmate is allowed at least 35 hours per week to engage in recreational opportunities and structured programming with an average of at least five total hours per day for such activities and programming, and if such staffing levels are less than 80 percent, each inmate is allowed at least 21 hours per week to engage in recreational opportunities and structured programming with an average of at least three total hours per day for such activities and programming. Of the 35 or 21 hours per week, each inmate must be allowed at least seven hours per week to engage in recreational opportunities and at least 14 hours per week to engage in structured programming, of which at least five hours must be structured programming other than work experience. Under the bill, recreation and structured programming privileges may be denied for a period of up to 10 consecutive days if the inmate is subject to a partial or full prison or jail lockdown or is currently being held in solitary confinement.

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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.** 302.081 of the statutes is created to read:

2 **302.081 Recreation and programming in state correctional**
3 **institutions.** (1) The department shall ensure that all state correctional
4 institutions provide recreational opportunities and organized, structured
5 programming that is relevant to the interests and needs of the inmates of the state
6 correctional institutions. The department shall prioritize the following types of
7 structured programming under this subsection:

8 (a) Academic instruction.

9 (b) Vocational training.

10 (c) Career development.

11 (d) Work experience.

12 (e) Reentry planning.

13 (f) Faith-based activities.

14 (g) Behavioral health.

15 (h) Health and wellness.

16 (i) Technology literacy.

17 (j) Social-cultural enrichment.

18 **(2)** (a) If the level of correctional officer staffing and structured programming
19 staffing is equal to or greater than 80 percent for a state correctional institution,
20 except as provided in par. (c), the warden or superintendent of the state correctional
21 institution shall ensure that each inmate is allowed not less than 35 hours per week

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1 to engage in recreational opportunities and structured programming under sub. (1),
2 with an average of not less than 5 total hours per day for such activities and
3 programming. Of the 35 hours per week, each inmate shall be allowed not less than
4 7 hours per week to engage in recreational opportunities and not less than 14 hours
5 per week to engage in structured programming, of which at least 5 hours shall be
6 allocated to structured programming other than work experience under sub. (1) (d).

7 (b) If the level of correctional officer staffing and structured programming
8 staffing is less than 80 percent for a state correctional institution, except as provided
9 in par. (c), the warden or superintendent of the state correctional institution shall
10 ensure that each inmate is allowed 21 hours per week to engage in recreational
11 opportunities and structured programming under sub. (1), with an average of not
12 less than 3 total hours per day for such activities and programming. Of the 21 hours
13 per week, each inmate shall be allowed not less than 7 hours per week to engage in
14 recreational opportunities and not less than 14 hours per week to engage in
15 structured programming, of which at least 5 hours shall be allocated to structured
16 programming other than work experience under sub. (1) (d).

17 (c) If an inmate is subject to a partial or full prison lockdown or is currently
18 being held in solitary confinement, the warden or superintendent of the state
19 correctional institution may deny the inmate the time specified under par. (a) or (b)
20 to engage in recreational opportunities and structured programming for a period not
21 to exceed 10 consecutive days.

22 **SECTION 2.** 302.082 of the statutes is created to read:

23 **302.082 Recreation and programming in county jails and houses of**
24 **correction. (1)** The sheriff shall ensure that the county jail or house of correction
25 provides recreational opportunities and organized, structured programming that is

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1 relevant to the interests and needs of the inmates of the county jail or house of
2 correction. The sheriff shall prioritize the following types of structured
3 programming under this subsection:

4 (a) Academic instruction.

5 (b) Vocational training.

6 (c) Career development.

7 (d) Work experience.

8 (e) Reentry planning.

9 (f) Faith-based activities.

10 (g) Behavioral health.

11 (h) Health and wellness.

12 (i) Technology literacy.

13 (j) Social-cultural enrichment.

14 **(2)** (a) If the level of uniformed officer staffing and structured programming
15 staffing is equal to or greater than 80 percent for a county jail or house of correction,
16 except as provided in par. (c), the sheriff shall ensure that each inmate is allowed not
17 less than 35 hours per week to engage in recreational opportunities and structured
18 programming under sub. (1), with an average of not less than 5 total hours per day
19 for such activities and programming. Of the 35 hours per week, each inmate shall
20 be allowed not less than 7 hours per week to engage in recreational opportunities and
21 not less than 14 hours per week to engage in structured programming, of which at
22 least 5 hours shall be allocated to structured programming other than work
23 experience under sub. (1) (d).

24 (b) If the level of uniformed officer staffing and structured programming
25 staffing is less than 80 percent for a county jail or house of correction, except as

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1 provided in par. (c), the sheriff shall ensure that each inmate is allowed 21 hours per
2 week to engage in recreational opportunities and structured programming under
3 sub. (1), with an average of not less than 3 total hours per day for such activities and
4 programming. Of the 21 hours per week, each inmate shall be allowed not less than
5 7 hours per week to engage in recreational opportunities and not less than 14 hours
6 per week to engage in structured programming, of which at least 5 hours shall be
7 allocated to structured programming other than work experience under sub. (1) (d).

8 (c) If an inmate is subject to a partial or full jail lockdown or is currently being
9 held in solitary confinement, the sheriff may deny the inmate the time specified
10 under par. (a) or (b) to engage in recreational opportunities and structured
11 programming for a period not to exceed 10 consecutive days.

12

(END)