

# Clearinghouse Rule 96-175

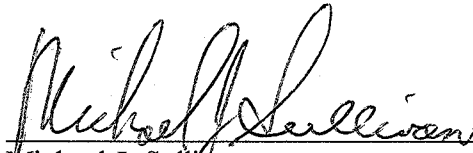
STATE OF WISCONSIN                    )  
                                                  ) SS  
DEPARTMENT OF CORRECTIONS        )

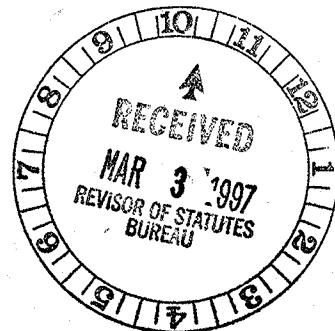
I, Michael J. Sullivan, Secretary, Department of Corrections, and custodian of the official records, certify that the annexed rules, relating to the stamping of outgoing inmate mail, were duly approved and adopted by the Department on February 27, 1997.

I further certify that this copy has been compared by me with the original on file in this Department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Corrections  
149 E. Wilson Street in the City of  
Madison, this 27th day of February, 1997.

SEAL

  
\_\_\_\_\_  
Michael J. Sullivan  
Secretary



ORDER OF THE  
DEPARTMENT OF CORRECTIONS  
CREATING RULES

The Wisconsin department of corrections proposes an order to create DOC 309.05 (2) (d).

Statutory authority: ss. 301.03 (2) and 227.11 (2) (a), Stats.  
Statutes interpreted: s. 301.03 (2)

Analysis Prepared by the Department of Corrections

Wisconsin state prison inmates outgoing mail is generally not reviewed or censored. Inmates have used mail to:

1. Contact the victims of their crimes, which has caused severe emotional distress;
2. Threaten and harass elected officials, law enforcement officers, and other persons; and
3. Defraud mail order and other businesses.

Since November 1, 1993, pursuant to Internal Management Procedure #35, the department has stamped outgoing inmate mail to indicate that the mail was sent from the Wisconsin state prison system. IMP #35 was adopted to protect victims of crime, the public, and businesses from inmate harassment and fraud.

The Wisconsin Court of Appeals ruled in an unpublished decision that IMP #35 had to be promulgated as an administrative rule. In order to protect the public welfare of the state, it was necessary for the department to adopt an emergency rule to ensure that victims of crime are not further victimized by inmate mail, that members of the public are not threatened or harassed, and that businesses are not defrauded. This is the permanent version of the emergency rule.

SECTION 1. DOC 309.05(2)(d) is created to read:

DOC 309.05(2)(d) All outgoing inmate mail shall be stamped.  
The stamp shall identify the mail as coming from the  
Wisconsin state prison system.

This rule shall take effect on the first day of the month following  
publication in the Wisconsin administrative register as provided in  
s.227.22 (2) (intro.), Stats.

WISCONSIN DEPARTMENT OF CORRECTIONS

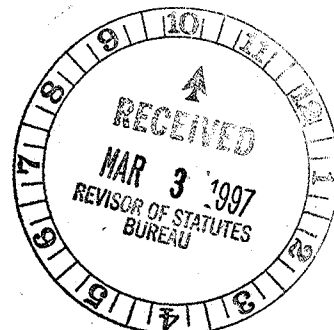
Dated:

2/27/97

By:

Michael J. Sullivan  
Michael J. Sullivan  
Secretary

Seal:



Tommy G. Thompson  
Governor

Michael J. Sullivan  
Secretary



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## State of Wisconsin Department of Corrections

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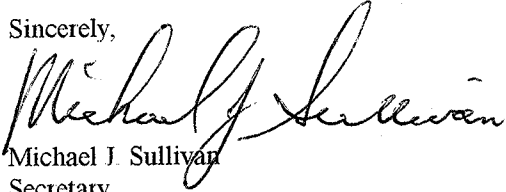
February 27, 1997

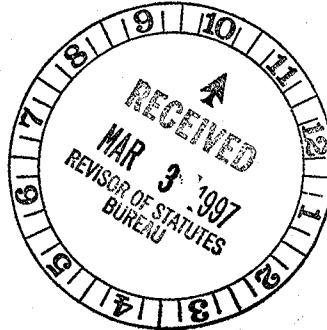
Bruce Munson, Revisor  
Revisor of Statutes Bureau  
131 West Wilson Street, Room 800  
Madison, Wisconsin 53703-3222

Dear Mr. Munson:

Pursuant to s. 227.20 Stats, the Department of Corrections submits a certified and uncertified copy of DOC 309.05 (2) (d), relating to the stamping of outgoing inmate mail.

Sincerely,

  
Michael J. Sullivan  
Secretary



Attachment