

CR 86-144

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

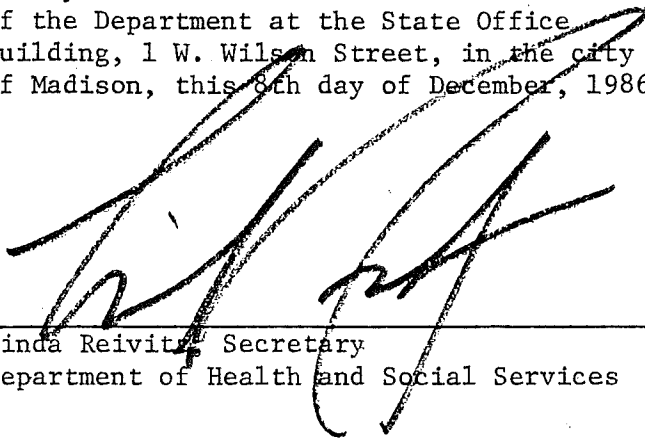
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Revisor of Statutes
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I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to access by inmates of the Wisconsin Resource Center to legal materials were duly approved and adopted by this Department on December 8, 1986.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy 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 at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 8th day of December, 1986.



SEAL:

Linda Reivitz, Secretary
Department of Health and Social Services

2-1-87

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
AMENDING RULES

To amend HSS 309.27(2), relating to access by inmates of the Wisconsin resource center to legal materials.

Analysis Prepared by the Department of Health and Social Services

These rule revisions exempt the Wisconsin Resource Center (WRC) from having to provide an adequate law library for inmates under s. HSS 309.27(3). WRC was established in 1981 to house inmates who are transferred from a prison or jail for individualized care. Like correctional camp populations, the WRC population is relatively small at a rated capacity of 160 inmates, which makes the expense of providing an adequate law library and staffing it prohibitive. The rule revisions allow inmates at WRC to use the same procedures employed by correctional camp inmates to obtain law library materials or copied materials from correctional institution law libraries or the Criminal Justice Reference and Information Center at the University of Wisconsin Law School. If an inmate has special legal needs that cannot be satisfied by borrowing or obtaining copies of legal materials, he or she can request a transfer to a correctional institution that has a law library.

The Department's authority to promulgate these rule revisions is found in s. 227.11(2)(a), Stats., as that relates to s. 46.03(6), Stats. Sections 46.03(6), 46.056 and 53.055, Stats., are interpreted by these rule changes.

Pursuant to the authority vested in the Department of Health and Social Services by ss. 46.03(6) and 227.11(2)(a), Stats., the Department hereby adopts rules interpreting ss. 46.03(6), 46.056 and 53.055, Stats., as follows:

SECTION 1. HSS 309.27(2) and Note are amended to read:

HSS 309.27(2) Each institution shall maintain an adequate law library, ~~except that Each individual correctional camp~~ correctional camps and the Wisconsin resource center ~~is are~~ not required to maintain ~~a library~~ libraries that ~~satisfies~~ satisfy the requirements of this ~~rule, section.~~ but efforts ~~Efforts~~ shall be made by correctional camps and the Wisconsin resource center to accommodate requests of inmates for legal materials by ~~loaning~~ borrowing or obtaining copies of requested materials from the criminal justice reference and information center at the university of Wisconsin law school or from correctional institution law libraries. The camps and the Wisconsin resource center shall comply with reasonable requests of inmates for legal materials and shall inform inmates how legal materials can be obtained. An inmate, at his or her request, may be transferred from a camp or the Wisconsin resource center to an institution with a law library if the inmate requires access to a library and materials made available pursuant to this section are inadequate.

Note: HSS 309.27(2). Subsection (2) requires each institution to have an adequate law library. What is minimally adequate is defined in sub. (3). This definition adopts ~~the standard of the~~ ABA standard 2.3.

Subsection (2) also exempts each camp and the Wisconsin resource center from the requirements for an adequate library. ~~Rather, the~~ The camp system and the Wisconsin resource center, however, must attempt to borrow requested materials requested by inmates from the Criminal Justice Reference and Information Center (CJRIC) at the University of Wisconsin Law School or from correctional institution law libraries. If materials are not available from the CJRIC, inmates may request copies of materials from correctional institution law libraries. While transfer may occasionally be necessary to provide adequate access at the inmate's request, it is unlikely that it will be frequent ~~because the Criminal Justice Center Library is more complete than those at institutions.~~

This section is in accord with ~~the~~ ABA, standard 2.3; Model Rules, rule V11-16; National Advisory Commission, standard 2.1; and ACA, standard 4283. See 15 Cal. Adm. Code 3161.

The rules contained in this order shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

Department of Health and Social Services

Dated: December 8, 1986

By: 

Linda Reivitz
Secretary

Seal:



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Anthony S. Earl
Governor

December 8, 1986

Linda Reivitz
Secretary

Mailing Address:
Post Office Box 7850
Madison, WI 53707

Mr. Orlan Prestegard
Revisor of Statutes
9th Floor - 30 on the Square
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 309.27(2), administrative rules relating to access by inmates of the Wisconsin Resource Center to legal materials.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

These rule changes do not affect small businesses as defined in s. 227.114(1)(a), Stats., because they apply to a correctional institution.

Sincerely,

A large, stylized handwritten signature in dark ink, appearing to read 'Linda Reivitz', written over the typed name and title.

Linda Reivitz
SECRETARY

Enclosure