

1989 Senate Bill 459

Date of enactment: **April 17, 1990**

Date of publication\*: **May 1, 1990**

# 1989 WISCONSIN ACT 251

AN ACT *to amend* 101.123 (1) (dm), 301.046 (1) and 301.046 (5); and *to create* 101.123 (3) (gm) of the statutes, relating to: community residential confinement.

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

**SECTION 1c.** 101.123 (1) (dm) of the statutes, as affected by 1989 Wisconsin Acts 97 and 107, is amended to read:

101.123 (1) (dm) "Prison" means a prison described in s. 302.01, except it does not include the correctional institution under s. 301.046 (1) if the institution is the prisoner's place of residence.

**SECTION 1g.** 101.123 (3) (gm) of the statutes is created to read:

101.123 (3) (gm) The correctional institution under s. 301.046 (1) if the institution is the prisoner's place of residence.

**SECTION 1x.** 301.046 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

301.046 (1) INSTITUTION STATUS. The department shall establish and operate a community residential confinement program as a correctional institution under the charge of a superintendent. Under the program, the department shall confine prisoners in their places of resi-

dence or other places designated by the department. The secretary may allocate and reallocate existing and future facilities as part of the institution. The institution is subject to s. 301.02 and is a state prison as defined in s. 302.01. Construction or establishment of the institution shall be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction or establishment of facilities for the institution are not subject to the ordinances or regulations relating to zoning, including zoning under ch. 91, of the county and municipality in which the construction or establishment takes place and are exempt from inspections required under s. 301.36.

**SECTION 2.** 301.046 (5) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

301.046 (5) ELECTRONIC SURVEILLANCE. The department shall monitor any prisoner's confinement under sub. (1) by the use of an electronic device worn continuously on the prisoner's person, except the department may permit the prisoner to leave confinement ~~under s. 303.065 or 303.068 without the device~~ for employment, education or other rehabilitative activities.