



1995 SENATE BILL 526

February 7, 1996 - Introduced by Senators FITZGERALD, DRZEWIECKI, PETAK, A. LASEE, DARLING, ZIEN, WELCH, SCHULTZ, MOEN and BUETTNER, cosponsored by Representatives DOBYNS, ZUKOWSKI, NASS, GREEN, LAZICH, HAHN, GUNDERSON, WARD, OTTE, AINSWORTH, MUSSER, FREESE, OTT, POWERS, ALBERS, SERATTI, F. LASEE, VRAKAS, OLSEN, KAUFERT, GOETSCH, BALDUS, HASENOHRL, ZIEGELBAUER, PLOMBON, HUEBSCH, LADWIG and SKINDRUD. Referred to Committee on State Government Operations and Corrections.

- 1 **AN ACT to renumber and amend** 302.095; and **to create** 302.095 (1) of the
2 **statutes; relating to:** delivering articles to, or receiving articles from, inmates
3 of a jail and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits, in certain circumstances, delivery of an article to, or receipt of an article from, a prison inmate. Specifically, under current law, no person may do any of the following: 1) deliver any article to an inmate of a state prison; 2) procure any article that is to be delivered to an inmate of a state prison; 3) possess any article with intent to deliver the article to an inmate of a state prison; 4) deposit or conceal any article in or about a prison or the precincts of a prison, or in any vehicle going onto the premises of a prison, with the intent that an inmate of the prison receive the article; or 5) receive an article from an inmate of a prison with the intent to take the article out of the prison. These prohibitions do not apply to the delivery of an article to, or the receipt of an article from, a prison inmate if the delivery or receipt is allowed by the rules or regulations of the prison and is done with the knowledge or permission of the warden or superintendent of the prison. A person who violates these prohibitions must be fined not more than \$500 or imprisoned for not more than 2 years.

This bill extends the current prohibitions concerning delivery of an article to, or receipt of an article from, a prison inmate so that they also apply to the delivery of an article to, or the receipt of an article from, an inmate of a jail. The bill defines "jail" to include a house of correction, a Huber facility and a facility at a police station that is used as a temporary place of detention for persons held under arrest until they can be brought before a court. Like the current prohibitions relating to prison inmates, the prohibitions do not apply to the delivery of an article to, or the receipt of an article from, a jail inmate if the delivery or receipt is allowed by the rules or

regulations of the jail and is done with the knowledge or permission of the sheriff or other keeper of the jail.

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

1 **SECTION 1.** 302.095 of the statutes is renumbered 302.095 (20) and amended
2 to read:

3 302.095 (2) Any officer or other person who delivers or procures to be delivered
4 or has in his or her possession with intent to deliver to any inmate confined in a jail
5 or state prison, or shall deposit or conceal who deposits or conceals in or about a jail
6 or prison, or the precincts thereof of a jail or prison, or in any vehicle going into the
7 premises belonging to a jail or prison, any article or thing whatever, with intent that
8 any inmate confined ~~therein~~ in the jail or prison shall obtain or receive the same, or
9 who receives from any inmate any article or thing whatever with intent to convey the
10 same out of a jail or prison, contrary to the rules or regulations and without the
11 knowledge or permission of the sheriff or other keeper of the jail, in the case of a jail,
12 or of the warden or superintendent thereof of the prison, in the case of a prison, shall
13 be imprisoned for not more than 2 years or fined not exceeding more than \$500.

14 **SECTION 2.** 302.095 (1) of the statutes is created to read:

15 302.095 (1) In this section, "jail" means any of the following:

- 16 (a) A jail, as defined in s. 302.30.
17 (b) A house of correction.
18 (c) A Huber facility under s. 303.09.
19 (d) A lockup facility, as defined in s. 302.30.

20 **SECTION 3. Initial applicability.**

