



## 1999 ASSEMBLY BILL 265

April 9, 1999 – Introduced by Representatives STASKUNAS and ALBERS, cosponsored by Senators ROSENZWEIG and FARROW. Referred to Committee on Corrections and the Courts.

1     **AN ACT to amend** 302.35 of the statutes; **relating to:** moving county jail  
2             prisoners under certain circumstances.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a sheriff or other keeper of a county jail may move jail prisoners to any place of safety if there is an emergency and the safety of the prisoners requires that they be moved. In addition, if a county jail is destroyed or is insecure for keeping prisoners, the sheriff may move the prisoners to the jail of another county, where they are to be kept at the expense of the county from which they were moved.

This bill provides that, if there is an emergency and the safety of the jail prisoners requires that they be moved, the sheriff or other keeper of the jail may move the prisoners only to one of the following places: 1) another county jail; or 2) a building other than a county jail that is owned or leased by the state or a political subdivision of the state, if the department, agency, officer or agent of the state or political subdivision that is in charge or control of the building consents to the removal of the prisoners to the building. As under current law, if prisoners are removed to the jail of another county, the county from which the jail prisoners are moved must pay the expenses of keeping the prisoners at the county jail to which they are moved.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 302.35 of the statutes is renumbered 302.35 (intro.) and amended  
2 to read:

3           **302.35 Removal of prisoners in emergency.** (intro.) In an emergency and  
4 for the safety of prisoners in any jail, ~~the sheriff or other keeper may remove them~~  
5 ~~to a place of safety and there confine them so long as necessary. If or if~~ any county  
6 jail is destroyed or is insecure for keeping prisoners, the sheriff or other keeper may  
7 remove them the prisoners to some other any of the following:

8           **(1)** Another county jail, where they. Prisoners removed to another county jail  
9 shall be received and kept as if committed thereto, but at the expense of the county  
10 from which they were removed. An ~~indorsement~~ endorsement on the commitment  
11 of a prisoner, made by the sheriff in charge of such prisoner, directed to the sheriff  
12 of another county, shall be authority for the latter to hold the prisoner.

13           **SECTION 2.** 302.35 (2) of the statutes is created to read:

14           **302.35 (2)** A building other than a county jail that is owned or leased by the  
15 state or any political subdivision of the state, if the department, agency, officer or  
16 agent of the state or political subdivision that is in charge or control of the building  
17 consents to the removal of the prisoners to the building.

18           **SECTION 3. Initial applicability.**

19           (1) This act first applies to a removal of prisoners that occurs on the effective  
20 date of this subsection.

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(END)