



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1825/1
MLJ:kjf

2019 ASSEMBLY BILL 63

March 7, 2019 - Introduced by Representatives TUSLER, EDMING, GUNDRUM, HORLACHER, MURPHY, SKOWRONSKI, SORTWELL, SPIROS, THIESFELDT and WICHGERS, cosponsored by Senators JACQUE, MARKLEIN and WANGGAARD. Referred to Committee on Corrections.

1 **AN ACT** *to renumber and amend* 302.095 (2); and *to create* 302.095 (2) (a) 2.
2 and 302.095 (2) (b) of the statutes; **relating to:** bringing contraband into a jail
3 or prison and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, it is a crime to bring a prohibited object into a jail or prison with the intent to deliver the object to another person, or to transport a prohibited item out of a jail or prison. Under the bill, it is also a crime to bring a prohibited object into a jail or prison with intent to keep the object for oneself.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

4 **SECTION 1.** 302.095 (2) of the statutes is renumbered 302.095 (2) (a) (intro.) and
5 amended to read:
6 302.095 (2) (a) (intro.) Any officer or other person who ~~delivers or~~ does any of
7 the following contrary to the rules or regulations and without the knowledge or

ASSEMBLY BILL 63**SECTION 1**

1 permission of the sheriff or other keeper of the jail, in the case of a jail, or the warden
2 or superintendent of the prison, in the case of a prison, is guilty of a Class I felony:

3 1. Delivers, procures to be delivered, or has in his or her possession with intent
4 to deliver to any inmate confined in a jail or state prison, ~~or who deposits or conceals~~
5 ~~in or about a jail or prison, or the precincts of a jail or prison, or in any vehicle going~~
6 ~~into the premises belonging to a jail or prison,~~ any article or thing whatever, with
7 intent that any inmate confined in the jail or prison shall obtain or receive the same,
8 ~~or who receives.~~

9 3. Receives from any inmate any article or thing whatever with intent to convey
10 the 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 of the prison, in the case of a prison, is guilty of~~
13 ~~a Class I felony.~~

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

15 302.095 (2) (a) 2. Deposits or conceals in or about a jail or prison, or the
16 precincts of a jail or prison, or in any vehicle going into the premises belonging to a
17 jail or prison, any article or thing whatever, with intent that any inmate confined in
18 the jail or prison shall obtain or receive the same.

19 **SECTION 3.** 302.095 (2) (b) of the statutes is created to read:

20 302.095 (2) (b) Any person who, contrary to the rules or regulations and
21 without the knowledge or permission of the sheriff or other keeper of the jail, in the
22 case of a jail, or the warden or superintendent of the prison, in the case of a prison,
23 has in his or her possession with intent to retain for himself or herself any article or
24 thing whatever, is guilty of a Class I felony.

25

(END)