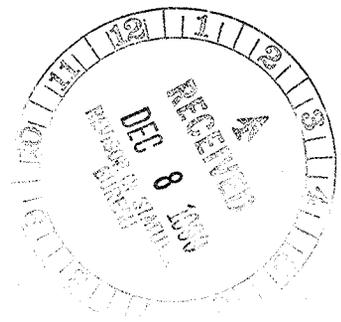


ORDER OF THE
DEPARTMENT OF CORRECTIONS
REPEALING AND RECREATING RULES



The Wisconsin department of corrections orders the repeal of DOC 309.25, 309.26, 309.27, 309.28, and 309.29, and creates DOC 309.15, relating to inmate access to legal materials and legal services.

Statutory authority: s. 227.11 (2) (a), Stats.
Statutes interpreted: s. 301.03 (2), Stats.

Analysis Prepared by the Department of Corrections

Some provisions of the department of corrections administrative rules relating to legal materials and legal services for inmates have not been updated since the rules were created. With over 15 years of experience working with the rules, the department proposes to update the rules.

Inmates have a constitutional right of access to courts. Access to legal materials and services in an integral part of access to courts. Without such access, an inmate does not have meaningful access to courts. This rule, like the current rule, requires the department of corrections to provide an inmate with access to legal materials and services

Each institution, except correctional centers and the Wisconsin Resource Center, shall maintain a law library and make legal materials available to inmates at reasonable times and for reasonable periods. The department shall make reasonable efforts to ensure that adequate legal services are available to indigent inmates.

Inmates may provide legal services to other inmates except that institutions may regulate the time and place of such legal services. Compensation of any kind for the provisions of such inmate to inmate legal services is strictly prohibited.

DOC 309 is being promulgated in sections due to the length and complexity of the rule. The current s. DOC 309.15 will be repealed in the ultimate promulgation of Clearinghouse Rule 97-014. Because it is intended that the legal services provision will be placed under s. DOC 309.15 at that time, it is so numbered in anticipation of CR 97-014.

SECTION 1: DOC 309.15 is created to read:

DOC 309.15 Legal Services. (1) **POLICY.** It is the policy of the department to permit inmates reasonable access to the judicial process and to legal materials, and to afford a reasonable opportunity to prepare legal documents. Such access serves important rehabilitative goals and ensures effective procedures for raising and resolving complaints about institution practices and policies.

(2) **ACCESS TO COURTS.** Inmates shall have access to courts and administrative agencies. Inmates' decisions to seek judicial or administrative relief shall not adversely affect their program, security classification or assignment to an institution.

(3) **ACCESS TO LEGAL MATERIALS.** Each institution, except correctional centers and the Wisconsin resource center, shall maintain a law library and make legal materials available to inmates at reasonable times and for reasonable periods. Special provisions shall be made to provide access to legal materials for inmates with a special legal need and for inmates with a special need, such as illiteracy. The department may employ the use of current technology in providing access to legal materials.

(4) **ACCESS TO LEGAL ASSISTANCE.** The department shall make reasonable efforts to ensure that adequate legal services are available to indigent inmates. These legal services need not be provided directly by the department, but may be provided by outside agencies. The legal services by these agencies may include services provided by lawyers, law students and aides supervised by lawyers. And paraprofessionals.

(5) **INMATE TO INMATE LEGAL SERVICES.** Inmates may provide legal services to other inmates except that institutions may regulate the time and place of such legal services. Compensation of any kind for the provisions of such inmate to inmate legal services is prohibited. The department is not responsible for legal materials not provided by the department that are given to other inmates.

SECTION 2. DOC 309.25 to 309.29 are repealed.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats..

Date: 12/7/99

Wisconsin Department of Corrections

By: Jon E. Litscher
Jon E. Litscher
Secretary

SEAL:



Tommy G. Thompson
Governor

Jon E. Litscher
Secretary



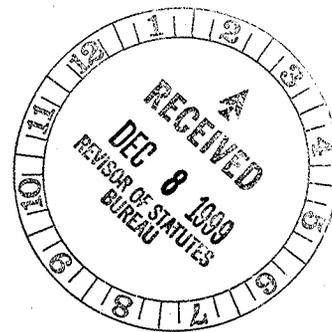
State of Wisconsin
Department of Corrections

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December 7, 1999

Bruce Munson
Revisor of Statutes Bureau
131 West Wilson Street, Room 800
Madison, Wisconsin 53703-3222



Dear Mr. Munson:

Pursuant to s. 227.20 Stats., the Department of Corrections submits a certified and uncertified copy of DOC 309 relating to inmate access to legal materials and legal services.

If you have any questions, please contact Julie Kane, Office of Legal Counsel, at (608) 267-9839.

Sincerely,

A handwritten signature in cursive script that reads "Jon E. Litscher".

Jon E. Litscher
Secretary

Attachment