

State of Wisconsin



2005 Senate Bill 174

Date of enactment: **December 20, 2005**

Date of publication*: **January 5, 2006**

2005 WISCONSIN ACT 67

AN ACT *to amend* 302.37 (2), 302.375 (1m) (intro.) and 302.375 (2); and *to create* 302.375 (2m) of the statutes; relating to: the use of wine in a religious service in a prison, jail, or house of correction.

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

SECTION 1. 302.37 (2) of the statutes is amended to read:

302.37 (2) ~~Neither~~ Except as provided in s. 302.375 (2m), neither the sheriff or other keeper of any jail nor any other person shall give, sell or deliver to any prisoner for any cause whatever any alcohol beverages unless a physician certifies in writing that the health of the prisoner requires it, in which case the prisoner may be allowed the quantity prescribed.

SECTION 2. 302.375 (1m) (intro.) of the statutes is amended to read:

302.375 (1m) (intro.) ~~Any~~ Except as provided in s. 302.375 (2m), any sheriff, jailer or keeper of any prison, jail or house of correction or any other person who does any of the following with respect to a prisoner within the precincts of any prison, jail or house of correction shall

be fined not more than \$10,000 or imprisoned not more than 9 months or both:

SECTION 3. 302.375 (2) of the statutes is amended to read:

302.375 (2) ~~Any~~ Except as provided in s. 302.375 (2m), any prisoner who uses intoxicating liquor in violation of s. 302.37 (2) shall be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

SECTION 4. 302.375 (2m) of the statutes is created to read:

302.375 (2m) A member of the clergy may possess no more than 2 ounces of wine in a prison, jail, or house of correction if he or she intends to use it in a religious service. A member of the clergy may give or deliver a reasonable amount of wine to an inmate and an inmate may consume that wine as part of a religious service. The department is not required to purchase or store wine for an inmate, a chaplain, or any other member of the clergy who is acting under this subsection.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].