



## 1997 ASSEMBLY BILL 885

March 5, 1998 - Introduced by Representatives SCHNEIDER, OTTE, RYBA, ZIEGELBAUER, PORTER, HASENOHRL, DUEHOLM, GRONEMUS, HAHN and PLOUFF, cosponsored by Senator PLACHE. Referred to Committee on Judiciary.

1     **AN ACT to create** 134.73 of the statutes; **relating to:** regulating telephone  
2     solicitation by prisoners and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill prohibits a prisoner in a correctional facility from conducting a telephone solicitation unless the prisoner immediately identifies himself or herself as a prisoner, states his or her name and the name and location of his or her correctional facility and states the name of the person on whose behalf he or she is conducting the telephone solicitation.

A telephone solicitor who violates the disclosure requirements must forfeit \$10,000 for each violation. The department of justice is authorized to enforce these disclosure requirements.

For further information see the *state and 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:*

3     **SECTION 1.** 134.73 of the statutes is created to read:

4     **134.73 Telephone solicitation by prisoners.** (1) **DEFINITIONS.** In this  
5     section:

**ASSEMBLY BILL 885**

1 (a) "Correctional facility" means a facility in which a person is incarcerated to  
2 serve a sentence imposed for conviction of a crime.

3 (b) "Telephone solicitation" has the meaning given in s. 134.72 (1) (c).

4 **(2) PROHIBITIONS.** No prisoner in a correctional facility may conduct a telephone  
5 solicitation unless the prisoner immediately identifies himself or herself as a  
6 prisoner, states his or her name and the name and location of his or her correctional  
7 facility and states the name of the person on whose behalf he or she is conducting the  
8 telephone solicitation.

9 **(3) TERRITORIAL APPLICATION.** This section applies to an intrastate telephone  
10 solicitation and to an interstate telephone solicitation directed to or received by a  
11 person in this state.

12 **(4) PENALTY; ENFORCEMENT.** (a) A person who violates sub. (2) shall forfeit  
13 \$10,000 for each violation.

14 (b) The attorney general and the district attorneys of this state have concurrent  
15 authority to institute civil proceedings under this section.

16 (c) 1. In addition to or in lieu of seeking the penalty under par. (a), the attorney  
17 general or a district attorney may institute injunctive proceedings to enforce sub. (2).

18 2. A person who violates the terms of an injunction issued under subd. 1. shall  
19 forfeit \$10,000 for each violation.

20 **(END)**