



2023 ASSEMBLY BILL 804

December 8, 2023 - Introduced by Representatives CLANCY, MADISON, DRAKE, EMERSON, HONG, J. ANDERSON, CONLEY, CONSIDINE, HAYWOOD, JOERS, MOORE OMOKUNDE, PALMERI, SHELTON and STUBBS, cosponsored by Senator LARSON. Referred to Committee on Corrections.

- 1 **AN ACT to create** 302.071 and 302.072 of the statutes; **relating to:** inmate access
2 to transparent windows and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Corrections to install, in every state correctional institution, in every inmate residential cell that is connected to an exterior wall, a window that is at least 1.5 square feet in size and that provides at least 92 percent visibility to the outdoors. The window requirements under the bill apply only if the correctional institution will remain structurally sound with the windows in place. Under the bill, by October 1, 2026, DOC must install the windows, and by October 1, 2026, county sheriffs must ensure the same window requirements are met in county jails.

The bill also requires DOC or the county sheriff to provide every inmate with three hours per day of outdoor viewing time through a window that provides 92 percent visibility to the outdoors. This requirement may be met by time spent outdoors, by time spent in the inmate's cell if the cell has such a window, or, if the inmate's cell does not have such a window, by moving the inmate to a location within the state correctional institution or county jail that does have a window that provides at least 92 percent visibility to the outdoors.

The bill provides to DOC \$200,000 in fiscal year 2023-24 and \$3,000,000 in fiscal year 2024-25 for the purpose of installing windows in state correctional institutions to meet the requirements of the bill.

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

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

1 **SECTION 1.** 302.071 of the statutes is created to read:

2 **302.071 Window access by inmates of state correctional institutions.**

3 **(1)** The department shall ensure that, by no later than October 1, 2026, in each state
4 correctional institution, every inmate residential cell that utilizes an exterior wall
5 of the structure has a window in the cell that is at least 1.5 square feet in size and
6 that is constructed of a transparent material that provides at least 92 percent
7 visibility to the outdoors. The requirement under this subsection applies only if the
8 state correctional institution will remain structurally sound with the windows in
9 place.

10 **(2)** The warden or superintendent shall ensure that each inmate in a state
11 correctional institution is permitted to view the outdoors through a transparent
12 window that provides at least 92 percent visibility to the outdoors for at least 3 hours
13 per day unless the inmate is subject to a prison lockdown or is being held in solitary
14 confinement. The requirement under this subsection may be met in any of the
15 following ways:

16 (a) By time spent outdoors.

17 (b) By time spent in the inmate's residential cell if the cell has a window that
18 is constructed of a transparent material and that provides at least 92 percent
19 visibility to the outdoors.

20 (c) If the inmate's residential cell does not have a window that is constructed
21 of a transparent material and that provides at least 92 percent visibility to the

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1 outdoors, by time spent in another location within the state correctional institution
2 where the inmate may access a window that provides at least 92 percent visibility
3 to the outdoors.

4 **SECTION 2.** 302.072 of the statutes is created to read:

5 **302.072 Window access by inmates of county jails.** (1) The sheriff shall
6 ensure that, by no later than October 1, 2026, in the county jail, every inmate
7 residential cell that utilizes an exterior wall of the structure has a window in the cell
8 that is at least 1.5 square feet in size and that is constructed of a transparent
9 material that provides at least 92 percent visibility to the outdoors. The requirement
10 under this subsection applies only if the county jail will remain structurally sound
11 with the windows in place.

12 (2) The sheriff shall ensure that each inmate in a county jail is permitted to
13 view the outdoors through a transparent window that provides at least 92 percent
14 visibility to the outdoors for at least 3 hours per day unless the inmate is subject to
15 a jail lockdown or is being held in solitary confinement. The requirement under this
16 subsection may be met in any of the following ways:

17 (a) By time spent outdoors.

18 (b) By time spent in the inmate's residential cell if the cell has a window that
19 is constructed of a transparent material and that provides at least 92 percent
20 visibility to the outdoors.

21 (c) If the inmate's residential cell does not have a window that is constructed
22 of a transparent material and that provides at least 92 percent visibility to the
23 outdoors, by time spent in another location within the county jail where the inmate
24 may access a window that provides at least 92 percent visibility to the outdoors.

25 **SECTION 3. Fiscal changes.**

