



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4433/1
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2023 ASSEMBLY BILL 939

January 12, 2024 - Introduced by Representatives MADISON, CLANCY, BALDEH, CONLEY, DRAKE, EMERSON, JACOBSON, MOORE OMOKUNDE, MYERS, PALMERI, SNODGRASS, STUBBS and SUBECK, cosponsored by Senators TAYLOR, ROYS, L. JOHNSON, AGARD, LARSON and SPREITZER. Referred to Committee on Corrections.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to create** 301.39 and 301.40 of the statutes; **relating to:** reporting of and
2 notifications about restricted movement and solitary confinement in state
3 correctional institutions and county jails and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Corrections to establish and maintain on its website an interactive reporting system that reports all of the following for each state correctional institution or county jail: 1) whether any type of restriction upon an inmate or group of inmates that impacts availability for visitation periods or communication is in effect at that state correctional institution, and if a restriction is in effect, a statement identifying the reason that the restriction is in effect and how long the restriction has been in effect; 2) the number of inmates who are currently being held in solitary confinement; and 3) the total number of inmates being held.

The bill requires sheriffs to report to DOC the information about inmate movement restrictions, solitary confinement, and inmate total in the county jail that is required to be reported in the DOC reporting system on a weekly basis, and requires DOC furnish sheriffs with instructions, a format, and the process for sending the information.

Under the bill, the reporting system must be active six months after the bill's passage, and until the reporting system is active, DOC must report to the appropriate standing committees of the legislature twice per week on any partial or full prison lockdowns that are currently in effect and once every three months on the total number of individuals who have been placed in solitary confinement during that three-month period.

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The bill also requires DOC and sheriffs to establish and maintain a notification system that allows up to three individuals designated by an inmate of a state correctional institution or county jail the ability to elect to be automatically notified via email, text message, or other electronic message within 24 hours of that inmate being placed under any type of individual or group restriction that impacts availability for visitation periods or other communication.

For further information see the state and local 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.** 301.39 of the statutes is created to read:

2 **301.39 Notification of restriction affecting visitation periods or other**

3 **communication. (1)** The department shall establish and maintain a notification

4 system that allows an individual designated by an inmate of a state correctional

5 institution the ability to elect to be automatically notified via email, text message,

6 or other electronic message within 24 hours of that inmate being placed under any

7 type of individual or group restriction that impacts availability for visitation periods

8 or communication. An inmate may designate up to 3 individuals to be notified under

9 this subsection and notifications may be terminated by the individual or inmate only.

10 The department may not terminate notifications under this subsection.

11 **(2)** The sheriff shall establish and maintain a notification system that allows

12 an individual designated by an inmate of a county jail the ability to elect to be

13 automatically notified via email, text message, or other electronic message within 24

14 hours of that inmate being placed under any type of individual or group restriction

15 that impacts availability for visitation periods or communication. An inmate may

16 designate up to 3 individuals to be notified under this subsection and notifications

17 may be terminated by the individual or inmate only. The sheriff may not terminate

18 notifications under this subsection.

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1 **SECTION 2.** 301.40 of the statutes is created to read:

2 **301.40 Restricted movement reporting system.** (1) The department shall
3 establish and maintain on the department's website an interactive reporting system
4 that is updated no less frequently than every 48 hours that reports all of the following
5 information for each state correctional institution and county jail:

6 (a) Whether any type of restriction upon an inmate or group of inmates that
7 impacts availability for visitation periods or communication is in effect at that state
8 correctional institution or county jail, and if a restriction is in effect, a statement
9 identifying the reason that the restriction is in effect and how long the restriction has
10 been in effect.

11 (b) The number of inmates who are currently being held in solitary confinement
12 at that state correctional institution or county jail and disaggregated data
13 identifying the reasons for placement in solitary confinement.

14 (c) The total number of inmates who are currently being held at that state
15 correctional institution or county jail.

16 **(2)** (a) All sheriffs shall supply the department with the information described
17 in sub. (1) about the county jail in the format specified by the department in par. (b).
18 The information shall be submitted on a weekly basis and shall be current as of the
19 time the information is submitted.

20 (b) The department shall furnish sheriffs with instructions that specify the
21 information that is required to be reported under sub. (1), a simple format in which
22 to submit the information, the time it is to be forwarded, the process for submitting
23 the information, the method of classifying it, and any other matters that facilitate
24 collection and compilation. The format provided under this paragraph shall, to the

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1 greatest extent feasible, minimize the time required by each sheriff to submit the
2 required information.

3 **SECTION 3. Nonstatutory provisions.**

4 (1) The reporting system required under s. 301.40 (1) shall be operable by no
5 later than the first day of the 7th month beginning after the effective date of this
6 subsection.

7 (2) Until the reporting system required under s. 301.40 (1) is active on the
8 department of corrections' website, the department of corrections shall submit to the
9 chief clerk of each house of the legislature, for distribution to the appropriate
10 standing committees under s. 13.172 (3), the following reports:

11 (a) Twice per week, a report of any type of restriction upon an inmate or group
12 of inmates that are currently in effect.

13 (b) Once every 3 months, a report on the total number of individuals who have
14 been placed in solitary confinement during that 3-month period.

15 **SECTION 4. Fiscal changes.**

16 (1) NOTIFICATION SYSTEM FOR RESTRICTIONS AFFECTING VISITING PERIODS OR OTHER
17 COMMUNICATION. In the schedule under s. 20.005 (3) for the appropriation to the
18 department of corrections under s. 20.410 (1) (a), the dollar amount for fiscal year
19 2023-24 is increased by \$233,300 to establish and operate the notification system
20 under s. 301.39 (1). In the schedule under s. 20.005 (3) for the appropriation to the
21 department of corrections under s. 20.410 (1) (a), the dollar amount for fiscal year
22 2024-25 is increased by \$350,000 to establish and operate the notification system
23 under s. 301.39 (1).

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(END)