

Assembly Hearing Slip

(Please print plainly)

Date: 4-14-99
Bill No. AB 250
Or
Subject _____

(Name) Tenny Messer

(Street Address or Route Number) _____

(City & Zip Code) 922
(Representing) _____

- Speaking In favor:
- Speaking against:
- Registering In favor:
- Registering against:
- Speaking for Information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: April 14, 1999
Bill No. # 250
Or
Subject _____

(Name) Andee W Barth

(Street Address or Route Number) _____

(City & Zip Code) Fox Lake, WI 53933
(Representing) Fox Lake Loc. Inst. Loc 1005

- Speaking In favor:
- Speaking against:
- Registering In favor:
- Registering against:
- Speaking for Information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 4-14-99
Bill No. AB 250
Or
Subject _____

(Name) Carol Cook

(Street Address or Route Number) _____

(City & Zip Code) Oshkosh, WI 54901
(Representing) Local 3409 Oshkosh Carce
Instituti

- Speaking In favor:
- Speaking against:
- Registering In favor:
- Registering against:
- Speaking for Information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

X

X

X

Assembly Hearing Slip

(Please print plainly)

Date: 4-14-55

Bill No. AB 256

Subject: _____

(Name) Marianne Cooke

(Street Address or Route Number) 145 E. Wilson

(City & Zip Code) Windsor

(Representing) Rep. & District 185

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

X

Assembly Hearing Slip

(Please print plainly)

Date: 4-14-99

Bill No. AB 250

Subject: Anti-Tobacco Bill

(Name) Greg W. Long

(Street Address or Route Number) 1723 Birch St

(City & Zip Code) Sumner WI 54173

(Representing) Wisell Council 84

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

X

Assembly Hearing Slip

(Please print plainly)

Date: 4-

Bill No. B 250

Subject: _____

(Name) Robert McClain

(Street Address or Route Number) 807 W Brown

(City & Zip Code) Waupun WI

(Representing) Local 18 Waupun State Rep

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

X

Assembly Hearing Slip

(Please print plainly)

Date: 4-14-99

Bill No. 48 850

Or
Subject: _____

Dale A. Pierce
(Name)

432 Forest Ave.
(Street Address or Route Number)

Fond du Lac, WI. 54935
(City & Zip Code)

Cashook CT
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 04/14/99

Bill No. 850

Or
Subject: Throesner Bill

Alex Mercery
(Name)

2048 Leeward Dr.
(Street Address or Route Number)

Green Bay, WI. 54303
(City & Zip Code)

A.B.C.
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 04-14-99

Bill No. B 256

Or
Subject: _____

Dan Multhrop
(Name)

618 North
(Street Address or Route Number)

Belle River Falls, WI
(City & Zip Code)

Local 219 Jackson
(Representing) Comedown

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

X

X

Assembly Hearing Slip

(Please print plainly)

Date: 4-14-99

Bill No. AB 250

Or
Subject: _____

(Name) Ken Teelley

(Street Address or Route Number) 1818 Truman

(City & Zip Code) Tomah WI 54600

(Representing) LOCA 219

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

X

Assembly Hearing Slip

(Please print plainly)

Date: 4-14-99

Bill No. 250

Or
Subject: _____

(Name) Don Laessle

(Street Address or Route Number) 465 HENRY MAL

(City & Zip Code) MADISON WI

(Representing) STATE LAB OF HYGIENE

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

X

Assembly Hearing Slip

(Please print plainly)

Date: 4-13-99

Bill No. AB 250

Or
Subject: _____

(Name) Senator Gary Dreswick

(Street Address or Route Number) _____

(City & Zip Code) _____

(Representing) 30th Senate District

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly).

Date: 4/14/99

Bill No. AB 250

Of Substances

Subject: Karl Hacker

(Name) 8058 Hwy 6

(Street Address or Route Number) VERONA VT 53593

(City & Zip Code) AISCME Council 24 (USEU)
(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, VT 53702

PENNSYLVANIA STATUTES

TITLE 18

Chapter 27

§ 2703. Assault by prisoner.

(a) Offense defined. A person who is confined in or committed to any local or county detention facility, jail or prison or any State penal or correctional institution or other State penal or correctional facility, located in this Commonwealth, is guilty of a felony of the second degree if he, while so confined or committed or while undergoing transportation to or from such an institution or facility in or to which he was confined or committed intentionally or knowingly commits an assault upon another with a deadly weapon or instrument, or by any means or force likely to produce serious bodily injury. A person is guilty of this offense if he intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material when, at the time of the offense, the person knew, had reason to know, should have known or believed such fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B.

(b) Consecutive sentences. The court shall order that any sentence imposed for a violation of section 2702 (a) (relating to aggravated assault) where the victim is a detention facility or correctional facility employee, be served consecutively with the person's current sentence.

§ 2703.1. Aggravated harassment by prisoner.

A person who is confined in or committed to any local or county detention facility, jail or prison or any State penal or correctional institution or other State penal or correctional facility located in this Commonwealth commits a felony of the third degree if he, while so confined or committed or while undergoing transportation to or from such an institution or facility in or to which he was confined or committed, intentionally or knowingly causes or attempts to cause another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material.

§ 2704. Assault by life prisoner.

Every person who has been sentenced to death or life imprisonment in any penal institution located in this Commonwealth, and whose sentence has not been commuted, who commits an aggravated assault with a deadly weapon or instrument upon another, or by any means of force likely to produce serious bodily injury, is guilty of a crime, the penalty for which shall be the same as the penalty for murder of the second degree. A person is guilty of this offense if he

intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material when, at the time of the offense, the person knew, had reason to know, should have known or believed such fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B.

AN ACT

PROVIDING FOR THE CONTINUED OPERATION OF THE DEPARTMENT
OF HUMAN RIGHTS AND INCLUDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 216A.5, Code 1997, is repealed.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of
immediate importance, takes effect upon enactment.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 578, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved _____, 1997

TERRY E. BRANSTAD
Governor

HF 578

of the jail or institution or facility under the control of the department of corrections.

HOUSE FILE 542

AN ACT

TO PROHIBIT ACTS BY INMATES OF JAILS OR CORRECTIONAL INSTITUTIONS WHICH RESULT IN CONTACT WITH CERTAIN BODILY FLUIDS OR SECRETIONS OR THE CASTING OR EXPELLING OF CERTAIN BODILY FLUIDS OR SECRETIONS ON JAIL AND CORRECTIONAL EMPLOYEES, AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 708.3B INMATE ASSAULTS -- BODILY FLUIDS OR SECRETIONS.

A person who, while confined in a jail or in an institution or facility under the control of the department of corrections, commits any of the following acts commits a class "D" felony:

1. An assault, as defined under section 708.1, upon an employee of the jail or institution or facility under the control of the department of corrections, which results in the employee's contact with blood, seminal fluid, urine, or feces.
2. An act which is intended to cause pain or injury or be insulting or offensive and which results in blood, seminal fluid, urine, or feces being cast or expelled upon an employee

I hereby certify that this bill originated in the House and is known as House File 542, Seventy-seventh General Assembly.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

ELIZABETH ISAACSON
Chief Clerk of the House

Approved _____, 1997

TERRY E. BRANSTAD
Governor



708.3A Assaults on peace officers, fire fighters, and health care providers.

1. A person who commits an assault, as defined in section 708.1, against a peace officer, health care provider, or fire fighter, whether paid or volunteer, with the knowledge that the person against whom the assault is committed is a peace officer, health care provider, or fire fighter and with the intent to inflict a serious injury upon the peace officer, health care provider, or fire fighter, is guilty of a class "D" felony.
2. A person who commits an assault, as defined in section 708.1, against a peace officer, health care provider, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, health care provider, or fire fighter and who uses or displays a dangerous weapon in connection with the assault, is guilty of a class "D" felony.
3. A person who commits an assault, as defined in section 708.1, against a peace officer, health care provider, or fire fighter, whether paid or volunteer, who knows that the person against whom the assault is committed is a peace officer, health care provider, or fire fighter, and who causes bodily injury or disabling mental illness, is guilty of an aggravated misdemeanor.
4. Any other assault, as defined in section 708.1, committed against a peace officer, health care provider, or fire fighter, whether paid or volunteer, by a person who knows that the person against whom the assault is committed is a peace officer, health care provider, or fire fighter, is a serious misdemeanor.
5. As used in this section, "*health care provider*" means an emergency medical care provider as defined in chapter 147A or a person licensed or registered under chapter 148, 148C, 148D, 150, 150A, or 152 who is providing or who is attempting to provide emergency medical services, as defined in section 147A.1, or who is providing or who is attempting to provide health services as defined in section 135.61 in a hospital. A person who commits an assault under this section against a health care provider in a hospital, or at the scene or during out-of-hospital patient transportation in an ambulance, is presumed to know that the person against whom the assault is committed is a health care provider.

Section History: Recent form

95 Acts, ch 90, §3; 96 Acts, ch 1069, § 1



Iowa General Assembly



Search: Iowa Code 1997

New York State

**AGGRAVATED HARASSMENT OF EMPLOYEE BY
INMATE—CONTACT WITH BODILY FLUIDS**

CHAPTER 92

A. 8389-C

Approved May 21, 1996

Deemed effective June 5, 1996

AN ACT to amend the penal law, the criminal procedure law and the correction law, in relation to establishing the crime of aggravated harassment of an employee by an inmate

The People of the State of New York, represented in Senate and Assembly, do enact as

§ 1. Paragraph (e) of subdivision 3 of section 70.06 of the penal law, as amended by chapter 3 of the laws of 1995, is amended to read as follows:

(e) For a class E felony, the term must be at least three years and must not exceed four years; provided, however, that where the sentence is for the class E felony offense specified in section 240.32 of this chapter, the maximum term must be at least three years and must not exceed five years.

§ 2. The penal law is amended by adding a new section 240.32 to read as follows:

§ 240.32 Aggravated harassment of an employee by an inmate.

An inmate or respondent is guilty of aggravated harassment of an employee by an inmate when, with intent to harass, annoy, threaten or alarm a person in a facility whom he knows or reasonably should know to be an employee of such facility or of the division of parole or office of mental health, he causes or attempts to cause such employee to come into contact with blood, seminal fluid, urine or feces, by throwing, tossing or expelling such fluid or material.

For purposes of this section, "inmate" means an inmate in a correctional facility, local correctional facility or a hospital, as such term is defined in subdivision two of section four hundred of the correction law. For purposes of this section, "respondent" means a juvenile in a secure facility operated and maintained by the division for youth who is placed with or committed to the division for youth. For purposes of this section, "facility" means a correctional facility or local correctional facility, hospital, as such term is defined in subdivision two of section four hundred of the correction law, or a secure facility operated and maintained by the division for youth.

Aggravated harassment of an employee by an inmate is a class E felony.

§ 3. Subdivision 5 of section 220.10 of the criminal procedure law is amended by adding a new paragraph (h) to read as follows:

(h) Where the indictment charges the class E felony offense of aggravated harassment of an employee by an inmate as defined in section 240.32 of the penal law, then a plea of guilty must include at least a plea of guilty to a class E felony.

§ 4. The opening paragraph of subdivision 2 of section 851 of the correction law, as amended by chapter 60 of the laws of 1994, is amended to read as follows:

"Eligible inmate" means a person confined in an institution who is eligible for release on parole or who will become eligible for release on parole or conditional release within two years. Provided, however, that a person under sentence for an offense defined in paragraphs a (a) and b (b) of subdivision one of section 70.02 of the penal law, where such offense involved the use or threatened use of a deadly weapon or dangerous instrument shall not be eligible to participate in a work release program until he or she is eligible for release on parole or who will be eligible for release on parole or conditional release within eighteen months. In the case of a person serving an indeterminate sentence of imprisonment imposed pursuant to the penal law in effect after September one, nineteen hundred sixty-seven, for the purposes of this article parole eligibility shall be upon the expiration of the minimum period of imprisonment fixed by the court or where the court has not fixed any period, after service of the minimum period fixed by the state board of parole. If an inmate is denied release on parole, such inmate shall not be deemed an eligible inmate until he is within two years of his or her next scheduled appearance before the state parole board. In any case where an inmate is denied release on parole while participating in a temporary release program, the department shall review the status of the inmate to determine if continued placement in the program is appropriate. No person convicted of any escape or absconding offense defined in article two hundred five of the penal law shall be eligible for temporary release. Further, no person under sentence for aggravated harassment of an employee by an inmate as defined in section 240.32 of the penal law, any homicide offense defined in article one hundred twenty-five of the penal law or of any sex offense defined in article one hundred thirty of the penal law or of section 255.25 of the penal law shall be eligible to participate in a work release program as defined in subdivision three of this section. Notwithstanding the foregoing, no person who is an otherwise eligible inmate who is under sentence for a crime involving: (a) infliction of serious physical injury upon another as defined in the penal law or (b) any other offense involving the use or threatened use of a deadly weapon may participate in a temporary

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release program without the written approval of the commissioner. The commissioner shall promulgate regulations giving direction to the temporary release committee at each institution in order to aid such committees in carrying out this mandate.

§ 5. This act shall take effect fifteen days after the date on which it shall have become a law, provided, however that the amendments made to paragraph (e) of subdivision 3 of section 70.06 of the penal law by section one of this act shall expire on the same date that subdivision 3 of section 70.06 of the penal law expires pursuant to section 8 of chapter 3 of the laws of 1995 and section four of this act shall expire on the same date that section 42 of chapter 60 of the laws of 1994 expires, as amended.

**ASSEMBLY COMMITTEE ON
CORRECTIONS AND THE COURTS**

AGENDA

Wednesday, April 14, 1999

10:00am Room 424-northeast

✓ I. Call to Order

✓ II. Roll Call

✓ III. Public Hearing

✓ A. **Assembly Bill 201** (*Walker/Krusick/Darling*) eliminating substitution of judges in criminal matters.

✓ B. **Assembly Bill 250** (*Musser/Moen*) prisoners throwing or expelling certain bodily substances at or toward others, testing for the presence of communicable diseases in certain criminal defendants and juveniles alleged to be delinquent or in need of protection or services and providing a penalty.

✓ V. Announcements

✓ A. Next meeting

✓ VI. Adjournment

**ASSEMBLY COMMITTEE ON
CORRECTIONS AND THE COURTS**

AGENDA

Wednesday, April 21, 1999

2:00pm Room 424-northeast

- ✓ I. Call to Order
- ✓ II. Roll Call
- ✓ III. **Executive Session**
 - ✓ A. **Assembly Bill 201** (*Walker/Krusick/Darling*) eliminating substitution of judges in criminal matters.
 - ✓ B. **Assembly Bill 250** (*Musser/Moen*) prisoners throwing or expelling certain bodily substances at or toward others, testing for the presence of communicable diseases in certain criminal defendants and juveniles alleged to be delinquent or in need of protection or services and providing a penalty.
- ✓ V. Announcements - *Ed's last Committee meeting as a clerk.*
 - ✓ A. Next meeting
- ✓ VI. Adjournment



Scott Walker

Wauwatosa's Representative in the Wisconsin State Assembly

MEMORANDUM

**TO: MEMBERS, ASSEMBLY COMMITTEE ON CORRECTIONS
AND THE COURTS**

FROM: REPRESENTATIVE SCOTT WALKER, CHAIR

RE: AB 250

DATE: April 20, 1999

Attached, please find a copy of assembly amendment 1 to Assembly Bill 250, which will be offered as a committee amendment during tomorrow's Executive Session.

Again, the Executive Session will be April 20th at 2:00 PM in Room 424-Northeast of the Capitol.

Please feel free to contact Ed Eberle in my office at 6-9181 with any questions.



Scott Walker

Wauwatosa's Representative in the Wisconsin State Assembly

MEMORANDUM

TO: MEMBERS, ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

FROM: REPRESENTATIVE SCOTT WALKER, CHAIR

RE: Assembly Amendment 1 to Assembly Amendment 1 to AB 250

DATE: April 23, 1999

Attached, please find a copy of assembly amendment 1 (LRB 0326/1) to assembly amendment 1 (LRB0299/1) to Assembly Bill 250, which was offered by committee during Wednesday's Executive Session.

Both Amendments were adopted by a vote of 11 to 0 (Rep. Hoven had an excused absence).

Please feel free to contact Ed Eberle in my office at 6-9181 with any questions.

1999 Session		
FISCAL ESTIMATE DOA-2048 N(R10/98)	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	
LRB or Bill No./Adm. Rule No. AB 250		
Amendment No. if Applicable		
Subject Relating to prisoners throwing or expelling certain bodily substances at or toward others, testing for the presence of communicable diseases in certain criminal defendants and juveniles alleged to be delinquent or in need of protection and services and providing a penalty.		
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input checked="" type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		
Affected Ch. 20 Appropriations		
Assumptions Used in Arriving at Fiscal Estimate (1) Assault by Prisoners: Under current law, there is a prohibition relating to assaults by a prisoner against another prisoner or an officer, employe or visitor of the prison or facility in apprehension of an immediate battery that is likely to cause death or great bodily harm. This bill creates a new Class E felony offense relating to the throwing of bodily fluids by prisoners with the intent either to cause bodily harm or to abuse, harass, offend, intimidate or frighten.		
<p>In the past year, there were over 100 reported assaults involving body fluids in adult and juvenile institutions. For illustrative purposes only, in order to calculate the potential fiscal effect for the Department, it might be assumed that twenty-five percent of the assaults would be successfully prosecuted. Further, if these prosecutions resulted in convictions, and each offender received an additional sentence of one year, the state could incur a cost of \$45 to \$55 per day per offender, or \$16,500 to \$20,000 per year per offender, for a total of \$412,500 to \$500,000 per year. These figures are based on the estimated costs to contract for beds since the prison system is severely overcrowded.</p> <p>With respect to juvenile offenders, the adult court system would have original jurisdiction, and if sentenced to a year in the adult system, the cost would be the same as for adults. If there was a reverse waiver and the matter was handled in juvenile court, there could be increased cost to the counties if the court imposed an additional sentence.</p>		
(2) Testing for Presence of Communicable Diseases: Under current law, a person may be required to undergo testing to detect the presence of human immunodeficiency virus (HIV) and sexually transmitted diseases, if the person meets certain defined criteria involving sex offenses, and following prescribed legal steps. This bill allows a court to order a person to undergo tests for the presence of communicable diseases if the person is a prisoner who has been charged with, convicted of or found not guilty by reason of mental disease or defect of assaulting another prisoner or an officer, employe or visitor of the prison or facility by throwing or expelling blood, semen, urine or feces, etc. The communicable diseases for which tests may be ordered under the bill include HIV, sexually transmitted diseases, hepatitis B and hepatitis C.		
<p>In response to an order of the court, the Department's health services staff would draw the blood sample. This would involve some time and materials. The State Laboratory of Hygiene provides testing services at no charge to the department. It is believed that the passage of this testing requirement section of the bill would not have a significant fiscal effect on the Department in terms of the medical costs.</p>		
Local Government Costs: Statistics are not available for local jails, and the Department is unable to provide an estimate of possible local costs.		
Long-Range Fiscal Implications		
Agency/Prepared by: (Name & Phone No.) Barbara Carlson 266-9340 Department of Corrections	Authorized Signature/Telephone No. <i>Robert Margolles</i> Robert Margolles 266-2931	Date April 12, 1999

1999 Session LRB or Bill No./Adm. Rule No. AB 250 Amendment No. if Applicable		
FISCAL ESTIMATE DOA-2048 N(R10/98)	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	
Subject Relating to prisoners throwing or expelling certain bodily substances at or toward others, testing for the presence of communicable diseases in certain criminal defendants and juveniles alleged to be delinquent or in need of protection and services and providing a penalty.		
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input checked="" type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		
Local: <input type="checkbox"/> No local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Ch. 20 Appropriations
Assumptions Used in Arriving at Fiscal Estimate (1) Assault by Prisoners: Under current law, there is a prohibition relating to assaults by a prisoner against another prisoner or an officer, employe or visitor of the prison or facility in apprehension of an immediate battery that is likely to cause death or great bodily harm. This bill creates a new Class E felony offense relating to the throwing of bodily fluids by prisoners with the intent either to cause bodily harm or to abuse, harass, offend, intimidate or frighten.		
<p>In the past year, there were over 100 reported assaults involving body fluids in adult and juvenile institutions. For illustrative purposes only, in order to calculate the potential fiscal effect for the Department, it might be assumed that twenty-five percent of the assaults would be successfully prosecuted. Further, if these prosecutions resulted in convictions, and each offender received an additional sentence of one year, the state could incur a cost of \$45 to \$55 per day per offender, or \$16,500 to \$20,000 per year per offender, for a total of \$412,500 to \$500,000 per year. These figures are based on the estimated costs to contract for beds since the prison system is severely overcrowded.</p> <p>With respect to juvenile offenders, the adult court system would have original jurisdiction, and if sentenced to a year in the adult system, the cost would be the same as for adults. If there was a reverse waiver and the matter was handled in juvenile court, there could be increased cost to the counties if the court imposed an additional sentence.</p>		
(2) Testing for Presence of Communicable Diseases: Under current law, a person may be required to undergo testing to detect the presence of human immunodeficiency virus (HIV) and sexually transmitted diseases, if the person meets certain defined criteria involving sex offenses, and following prescribed legal steps. This bill allows a court to order a person to undergo tests for the presence of communicable diseases if the person is a prisoner who has been charged with, convicted of or found not guilty by reason of mental disease or defect of assaulting another prisoner or an officer, employe or visitor of the prison or facility by throwing or expelling blood, semen, urine or feces, etc. The communicable diseases for which tests may be ordered under the bill include HIV, sexually transmitted diseases, hepatitis B and hepatitis C.		
<p>In response to an order of the court, the Department's health services staff would draw the blood sample. This would involve some time and materials. The State Laboratory of Hygiene provides testing services at no charge to the department. It is believed that the passage of this testing requirement section of the bill would not have a significant fiscal effect on the Department in terms of the medical costs.</p>		
Local Government Costs: Statistics are not available for local jails, and the Department is unable to provide an estimate of possible local costs.		
Long-Range Fiscal Implications		
Agency/Prepared by: (Name & Phone No.) Barbara Carlson 266-9340 Department of Corrections	Authorized Signature/Telephone No. <i>Robert Margolies</i> Robert Margolies 266-2931	Date April 12, 1999

FISCAL ESTIMATE FORM

1999 Session

ORIGINAL

UPDATED

5
4-9-99

LRB # -1828/2

CORRECTED

SUPPLEMENTAL

INTRODUCTION # AB 250

Admin. Rule #

Subject

Prisoners throwing or expelling certain bodily substances at or toward others, etc.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Increase Existing Appropriation

Increase Existing Revenues

Decrease Existing Appropriation

Decrease Existing Revenues

Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs

Permissive Mandatory

3. Increase Revenues

Permissive Mandatory

5. Types of Local Governmental Units Affected:

Towns Villages Cities

2. Decrease Costs

Permissive Mandatory

4. Decrease Revenues

Permissive Mandatory

Counties Others _____

School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate:

We do not anticipate any local or DOJ fiscal effect.

Long-Range Fiscal Implications:

Prepared By: / Phone # / Agency Name
Greg Posner-Weber/6-3935/DOJ

Authorized Signature / Telephone No.

John A. Richard

Date

4-6-99

FISCAL ESTIMATE
DOA-2048 N(R10/94)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

5

LRB or Bill No./Adm. Rule No.
AB 250 & LRB-1828/2
Amendment No. if Applicable

4-7-99

Subject

Prisoners throwing or expelling certain bodily substances at or toward others, testing for the presence of communicable diseases in certain criminal defendants and juveniles alleged to be delinquent or in need of protection or services and providing a penalty

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory

- 3. Increase Revenues
 - Permissive
 - Mandatory
- 4. Decrease Revenues
 - Permissive
 - Mandatory

5. Types of Local Governmental Units Affected:

- Towns
- Villages
- Cities
- Counties
- Others _____
- School Districts
- WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

s.20.475(1)(d)

Assumptions Used in Arriving at Fiscal Estimate

This bill creates a new prohibition on persons who are prisoners in municipal or state correctional facilities for the intentional throwing or expelling of certain bodily substances with the intent to harm the person who was the target. It also mandates that the district attorney must seek a court order to have the prisoner tested for certain diseases under specified conditions. There are no data with which to estimate the number of annual instances that would require a district attorneys to prosecute prisoners for such crimes or the number of instances of the need for district attorneys to seek such court orders to test prisoners. If the bill becomes law and its significant new additive penalties are understood by prisoners, then the number of violations may be small.

Long-Range Fiscal Implications

None

Agency/Prepared by: (Name & Phone No.)

DA/Stuart Morse (608) 267-2700

Authorized Signature/Telephone No.

David P. McNeill
David P. McNeill (608) 267-3836

Date

March 29, 1999

5
 4-19-99

FISCAL ESTIMATE
 DOA-2048 N(R10/94)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject

Prohibition of Prisoners' Throwing Bodily Fluids

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

- | | | |
|---|---|---|
| <p>1. <input type="checkbox"/> Increase Costs
 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>2. <input type="checkbox"/> Decrease Costs
 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> | <p>3. <input type="checkbox"/> Increase Revenues
 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>4. <input type="checkbox"/> Decrease Revenues
 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> | <p>5. Types of Local Governmental Units Affected:
 <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities
 <input type="checkbox"/> Counties <input type="checkbox"/> Others _____
 <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts</p> |
|---|---|---|

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

AB 250 creates a new prohibition relating to assaults by a prisoner against another prisoner or an officer, employee or visitor of the prison or facility. Under the bill, a prisoner is prohibited from throwing or expelling blood, semen, urine, or feces toward an officer, employee, visitor, or another prisoner. The prisoner is guilty of a Class E felony if (1) the intent is that the blood, semen, urine, or feces should come into contact with the person, (2) the intent is to either cause bodily harm to the person or to abuse, harass, offend, intimidate, or frighten that person, and (3) the officer, employee, visitor, or other prisoner has not consented.

This bill also allows a court to order a prisoner charged with throwing or expelling blood, semen, urine, or feces to undergo tests for the presence of communicable diseases. The prosecutor may apply to the court for such a test at the victim's request or if there is probable cause that the assault carried a potential for transmitting a communicable disease to the victim. The communicable diseases for which tests may be ordered under the bill include HIV, sexually transmitted diseases, hepatitis B and hepatitis C.

The State Laboratory of Hygiene would carry out these tests. The list below shows the most relevant tests and their associated prices.

Blood, semen, urine:

HIV-1/HIV-2 Combo Ab Screen	\$ 14.91
Hepatitis B Serodiagnosis Panel	\$ 47.88
Hepatitis C Serodiagnosis	\$ 42.74
Chlamydia Trachomatis Ag DET (EIA)	\$ 9.14
Syphilis, VDRL Serum Screen	\$ 7.56
Gonorrhea DNA Probe	\$ 14.18
Herpes Simplex Culture	\$ 85.45

Feces, urine:

Enteric Pathogens Routine Culture \$36.90

It is impossible to gauge the number of assaults that may occur and therefore the number of tests required. Thus, the total cost of AB 250 is unknown.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Authorized Signature/Telephone No.

Date

University of Wisconsin System



2-6423

4/13/99

Vote Record

Assembly Committee on Corrections and the Courts

Date: April 21, 1999
 Moved by: Rep. Sturdrum Seconded by: Rep. Staskunas
 AB: 250
 AB: _____ SB: _____ Clearinghouse Rule: _____
 AJR: _____ SJR: _____ Appointment: _____
 A: _____ SR: _____ Other: _____

A/S Amdt: _____
 A/S Amdt: 1 to A/S Amdt: 1
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction AA 1 to AA 1 to AB 250
- Adoption LRD 0299/H
- Rejection 0326/1

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 11 0 0 1

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Corrections and the Courts

Date: April 21, 1999
 Moved by: Rep. Staskunas Seconded by: Rep. Gundrum
 AB: 250 Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: 1 to A/S Amdt: 1
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- | | |
|--|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input checked="" type="checkbox"/> Adoption <i>AA1 to AA1 to AB 250</i> | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection <i>0326/1</i> | <input type="checkbox"/> Nonconcurrency |
| | <input type="checkbox"/> Confirmation |

Committee Member	Aye	No	Absent	Not Voting
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>11</u>	<u>0</u>	<u>1</u>	<u>0</u>

Motion Carried Motion Failed

Vote Record

Assembly Committee on Corrections and the Courts

Date: April 21, 1999
 Moved by: Rep. Goetsch Seconded by: Rep. Gundrum
 AB: 250 Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: 1
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- | | |
|---|--|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input checked="" type="checkbox"/> Adoption <i>as amended 0299/1</i> | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrency |
| | <input type="checkbox"/> Confirmation |

Committee Member	Aye	No	Absent	Not Voting
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>11</u>	<u>0</u>	<u>1</u>	<u>0</u>

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Corrections and the Courts

Date: April 21, 1999
 Moved by: Rep. Gundrum Seconded by: Rep. Goetsch
 AB: 250 Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:
 Passage *as amended*
 Introduction
 Adoption
 Rejection

Indefinite Postponement
 Tabling
 Concurrence
 Nonconcurrence
 Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	0	0	1	0

Motion Carried Motion Failed

April 14, 1999

First I want to thank the committee for the opportunity to speak here today on behalf of Assembly Bill 250/Senate Bill 110. I especially want to take this moment to thank Representative's Owens and Hoven for earlier reviewing the bills and signing onto them as cosponsors.

I am a State Correctional Officer with five ½ years service, currently serving at Jackson Correctional Institution near Black River Falls, WI. Previously I was a Monroe County Jailer and continue to be a member of the County Sheriff's Reserve. Nearly two years ago, after finding out that Ohio, New York, Iowa and just last year Pennsylvania had passed similar legislation to this proposal. It struck me that there is little recourse that is clear to deter the behavior that this bill proposes to address. Even more startling, I discovered, was that until recently there was no way of knowing if after being assaulted in this manner, if someone was facing a potentially severe health risk.

It wasn't till after Congress passed H.R. 2070-2 ("Correction Officers Health and Safety Act of 1998") that the door was opened to show us the way that allows the testing for bodily borne pathogens and the results of that test provided to the Victim(s). Until now victims have been forced on their own, to have themselves continuously tested periodically. Never knowing to what extent, if at all they may have been exposed since that information is now kept from staff.

I know of more than a few Correctional Officers and even a county jailer who since being assaulted live under the threat of not knowing. Not knowing if they have been exposed or not. Always under that threat, this strain has taken its toll on their families and their relationships. Their whole lives have changed. They are afraid to even touch one another. In at least one-situation the children are afraid that Daddy will not be able to play with them anymore.

This is not intended as a punitive proposal for inappropriate behavior. Rather, this is a Health and Safety measure. With some punitive consequences for inappropriate, potentially dangerous behavior. When an inmate deliberately attempts to have someone else come in contact with bodily substances, it is not just an issue of discomfort. It is in fact a potentially life-threatening matter. Some inmates call it a "shower", when they see a new "rookie" officer call it baptism, others call it deification education. What it really is, is a felony, one where they forfeit their privacy and should be punishable by consecutive time. Rather than a day or two in segregation and a few months of restricted privileges.

Unfortunately the Department of Corrections does not track the actual frequency of attacks by inmates using bodily fluids in Correctional facilities. However we have taken what at best is an informal statistical survey of most of our state Institutions and found that an attack of this sort happens on average, somewhere in the state at least once a week. Some more often in some institution than others. This is an informal survey amongst our selves, but we feel it is fairly accurate. In County Jails there are no records or statistical records are kept. We are aware of antidotal testimony that it does happen.

The enactment of this proposal would make Wisconsin the fifth state to pass such a measure. I am informed that there are at least five other states also contemplating similar legislation. Some of these are under similar consideration. Others are in their early drafting stages.

Knowing that this is not normally done, none the less we have started referring to this bill as "Wisconsin Correctional Officer/Jailer Health and Safety ACT. Thank you for your time and consideration.

Kenneth D. Teclaw
1818 Trumah
Tomah, WI 54660

608-372-6703

APR 16 1999

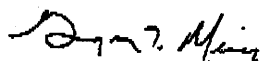
April 16, 1999

Representative Scott Walker
State Capitol
Room 308N
P.O. Box 8953
Madison, WI 53708-8953

Dear Representative Walker:

I am writing you in regards to assembly bill number 250 and senate bill number 110. As a registered nurse with the Department of Corrections for three years, I unfortunately been a victim of an inmate throwing urine at myself and another officer while attempting to give medical treatment. While no permanent harm came from this incident, I was deeply shocked to find out the behavior was not considered a battery or an assault against a Department of Corrections staff. I strongly support any effort to make this a substantial offense.

Thank you for your time,



Gregory Meier
N38858 County Road O
Whitehall, WI 54773

April 14, 1999

Representative Scott Walker
Assembly Committee on Corrections and Courts
Room 424 N.E., April 14, 1999, 10:00 AM

RE: Testimony on Assembly Bill 250, "Assault by Prisoners"

Testimony given by:

Ronald H. Laessig, Ph.D.
Director, State Laboratory of Hygiene
Wisconsin's Public Health Laboratory

Appearing for information only

The intent of this bill seems to be to allow the victim of an assault by a prisoner throwing or expelling bodily substances, to have the prisoner tested for communicable diseases.

The language of the bill regarding certain technical aspects of the testing can be improved.

1. The testing is referred to in an inconsistent manner. The terms "communicable disease," "sexually transmitted disease," and "HIV, antigen or non antigenic products of HIV or an antibody to HIV" are used interchangeably. They are not the same.

Recommendation: Since the clear intent seems to be to allow the victim's physician to proceed in the manner which best serves the interests of his patient under the particular circumstances, i.e. order laboratory tests, change all references to "***communicable diseases.***"

In short, allow the victim's doctor decide which tests to order and when. Each case will be different; it will depend in part on the medical condition of the assailant, the type of material involved, and the very specific details of the exposure.

Some communicable diseases are not sexually transmitted.

2. There is confusion between the "health care professional" doing "the examination and tests" and/or "the ordering of the laboratory tests." The latter is the obvious intent; it can be corrected in rewrite.



3. "The court may order the county to pay for the cost of a test or series of tests"

This may be a problem, in part because it is permissive. What happens if the court does not order the county to pay the cost? Is the victim left with no recourse? Perhaps the language should simply require the tests to be provided by the State Laboratory of Hygiene. As laboratory Director, I would be willing to initiate the program without new funding (for the testing) and seek redress, if needed, under the special request to Joint Finance Committee (16.515 process) mechanism.

As a practical matter, as stated the fiscal note provided through the University of Wisconsin, the probable costs of testing should not exceed \$200 per incident. We anticipate that the victim's physician, in consultation with the State Laboratory of Hygiene, will decide on a less extensive, more appropriate, course of testing in most cases.

M:\Administration\AdmTeam\RHL\990414SFBBill(AB250).doc

Executive Director
Jan Steinbergs



Wisconsin Troopers' Association, Inc.

P.O. Box 769 • East Troy, WI 53120
1-800-232-1392

TO: Chairman Scott Walker, and
All Members of the Assembly Committee on Corrections and Courts

FR: Steve Williams, Vice President
Wisconsin Troopers' Association

DA: April 21, 1999

RE: Support for Assembly Bill 250

It is my understanding that the Assembly Committee on Corrections and Courts will be holding an executive session on Assembly Bill 250 today. I regret that I was unable to attend the public hearing, and on behalf of the Wisconsin Troopers' Association I want to register our wholehearted support for this critical piece of legislation.

This bill prohibits prisoners from throwing or expelling blood, semen, urine or feces at or toward an officer, employee, visitor or another prisoner. It also provides that a prisoner, if charged with such an offense, must undergo tests for the presence of communicable diseases.

This legislation confronts a significant public health and safety issue, and it is most certainly good public policy. I want to thank Representative Musser and Senator Moen for addressing this very important issue, and I urge the committee members to recommend for passage Assembly Bill 250. Thank you for your attention to this matter.

cc: Representative Terry Musser
Senator Rodney Moen



Proud Member of the National Troopers Coalition