1995 SENATE BILL 367

October 5, 1995 – Introduced by Senators FITZGERALD, PETAK, DRZEWIECKI, ZIEN, A. LASEE, WELCH, BUETTNER and HUELSMAN, cosponsored by Representatives HAHN, NASS, LADWIG, DUFF, WALKER, HOVEN, GREEN, FREESE, SKINDRUD, ALBERS, MUSSER, DOBYNS, OLSEN, PORTER, KREIBICH, AINSWORTH, SERATTI, VRAKAS, KAUFERT, ZUKOWSKI, F. LASEE, JOHNSRUD, FOTI, WARD, GUNDERSON, LAZICH and HANDRICK. Referred to Committee on State Government Operations and Corrections.

1   AN ACT *to amend* 302.12 (1) and 303.21 (1) (b); *to repeal and recreate* 303.21

2   (1) (b); and *to create* 303.063 of the statutes; **relating to:** authorizing the

3   department of corrections to establish a chain gang work program and granting

4   rule–making authority.

Analysis by the Legislative Reference Bureau

Current law contains several provisions for the employment of the inmates of a state prison. For example, the department of corrections (DOC) administers a prison industries program in the state prisons. In addition, DOC may grant work release for certain eligible inmates. Finally, a warden or superintendent of a prison may employ inmates outside the institution's yard in doing any work necessary to the regular business of the institution or other state institutions or necessary to any other activity of the state or any political subdivision of the state.

This bill authorizes DOC to establish a chain gang work program in which inmates are assigned to work away from the grounds of the institution while joined together in a group by a length of chain for security purposes. Under the bill, DOC must determine the kind of work an inmate will do in a chain gang work program. If DOC establishes such a program, DOC must promulgate rules specifying the procedures and regulations for the program, including rules relating to eligibility requirements, the minimum and maximum period of time for which an inmate is in the program and the number of inmates in each group that is chained together. The bill also authorizes DOC to restrict the recreation activities and privileges of an inmate who is in the program, subject to the constitutional rights of inmates.

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. 302.12 (1) of the statutes is amended to read:

2   302.12 **(1)** The department may provide by rule for the payment of money to

3   inmates, including inmates in a chain gang work program under s. 303.063. The rate

4   may vary for different prisoners in accordance with the pecuniary value of the work

5   performed, willingness, and good behavior. The payment of money to inmates

6   working in the prison industries shall be governed by s. 303.01 (4).

7   SECTION 2. 303.063 of the statutes is created to read:

8   **303.063 Chain gangs. (1)** The department may establish a chain gang work

9   program for medium security inmates in which the inmates are assigned to work

10   away from the grounds of the institution while joined together in a group by a length

11   of chain for security purposes.

12   **(2)** If the department establishes a chain gang work program under sub. (1),

13   the department shall determine the type of work that is assigned to the inmates in

14   the program.

15   **(3)** The department may, subject to the constitutional rights of inmates, limit

16   the recreation activities and the privileges, including visitation and canteen

17   privileges, of an inmate in a chain gang work program established under sub. (1).

18   **(4)** If the department establishes a chain gang work program under sub. (1),

19   the department shall, before implementing the program, promulgate rules

20   specifying the procedures and regulations relating to the program, including rules

21   relating to all of the following:

1   (a) Eligibility requirements for the program.

2   (b) The minimum and maximum period of time for which an inmate is assigned

3   to the program.

4   (c) The number of inmates in each group that is joined together by a chain.

5   (d)   The recreation activities and privileges available to an inmate who is

6   assigned to the program.

7   (e)   Reasonable working hours and health and other conditions governing

8   employment in the program.

9   **SECTION 3.** 303.21 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 27,

10   section 6400, is amended to read:

11   303.21 **(1)** (b) Inmates are included under par. (a) if they are participating in

12   a structured work program away from the institution grounds under s. 302.15 <u>or</u>

13   <u>303.063</u>. Inmates are not included under par. (a) if they are employed in a prison

14   industry under s. 303.06 (2), participating in a work release program under s.

15   303.065 (2), participating in employment with a private business under s. 303.01 (2)

16   (em) or participating in the transitional employment program, but they are eligible

17   for worker's compensation benefits as provided under ch. 102.

18   **SECTION 4.** 303.21 (1) (b) of the statutes, as affected by 1995 Wisconsin Acts 27,

19   section 6401, and .... (this act), is repealed and recreated to read:

20   303.21 **(1)** (b) Inmates are included under par. (a) if they are participating in

21   a structured work program away from the institution grounds under s. 302.15 or

22   303.063. Inmates are not included under par. (a) if they are employed in a prison

23   industry under s. 303.06 (2), participating in a work release program under s.

24   303.065 (2), participating in employment with a private business under s. 303.01 (2)

25   (em) or participating in the transitional employment program, but they are eligible

1   for worker's compensation benefits under ch. 102. Residents subject to s. 303.01 (1)

2   (b) are not included under par. (a) but they are eligible for worker's compensation

3   benefits under ch. 102.

4   **SECTION 5.   Effective dates.** This act takes effect on the day after

5   publication, except as follows:

6   (1) The repeal and recreation of section 303.21 (1) (b) of the statutes takes effect

7   on January 1, 1996, or on the day after publication, whichever is later.

8   **(END)**