



## 2023 SENATE BILL 772

December 8, 2023 - Introduced by Senators L. JOHNSON, TAYLOR, LARSON and SPREITZER, cosponsored by Representatives MADISON, HAYWOOD, CLANCY, BALDEH, C. ANDERSON, J. ANDERSON, CONLEY, CONSIDINE, EMERSON, JOERS, MOORE OMOKUNDE, PALMERI, SHELTON, SINICKI, STUBBS and SUBECK. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT to create** 301.034 of the statutes; **relating to:** informing certain inmates  
2             and juveniles in custody of their rights under the law.

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### *Analysis by the Legislative Reference Bureau*

This bill provides that for adult inmates, the Department of Corrections for state correctional institutions or the county sheriff for county jails or county houses of correction must prepare a written document that lists the rights of all adult inmates afforded under the U.S. Constitution, the Wisconsin Constitution, the Wisconsin statutes, and any applicable administrative rules and that explains any complaint processes available to inmates. DOC or the sheriff must update the written document once per year or within one week of a legal change that affects inmates' rights. DOC or the sheriff must post the document throughout the state correctional institution or county jail or house of correction and provide copies to each inmate upon entering the facility, being placed under restricted movement, being placed in solitary confinement, or upon request at any time. The warden or superintendent of a state correctional institution or the sheriff of a county jail or house of correction must explain an inmate's rights as set forth in the document upon the inmate entering the state correctional institution, county jail, or house of correction; upon the inmate transferring between state correctional institutions, county jails, or houses of correction; or upon request at any time.

The bill also provides the same requirements for juveniles in custody, except that DOC is responsible for preparing the document relating to juveniles, posting and distributing the document for type 1 juvenile detention facilities, and for ensuring that any juvenile detention facility, secured residential care center for

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children and youth, or juvenile portion of the county jail approved by DOC has a plan to distribute the document. The superintendent must explain a juvenile's rights as set forth in the document upon the juvenile entering a facility, upon the juvenile transferring between facilities, or upon request at any time.

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:*

1           **SECTION 1.** 301.034 of the statutes is created to read:

2           **301.034 Notification of rights of inmates. (1) RIGHTS OF ADULT INMATES.**

3           (a) The department shall prepare a written document that lists the rights of all  
4 inmates of a state correctional institution afforded under the U.S. Constitution, the  
5 Wisconsin Constitution, the Wisconsin statutes, and any applicable administrative  
6 rules and that explains any complaint processes available to inmates. The  
7 department shall update the written document under this paragraph once per year  
8 or within one week of a legal change that affects inmates' rights. The department  
9 shall post the document throughout each state correctional institution and provide  
10 copies to each inmate upon entering a state correctional institution, being placed  
11 under restricted movement, being placed in solitary confinement, or upon request at  
12 any time. The warden or superintendent of a state correctional institution shall  
13 explain to each inmate the contents of the document prepared under this paragraph  
14 upon the inmate entering the state correctional institution, upon the inmate  
15 transferring between state correctional institutions, or upon request at any time.

16           (b) The sheriff shall prepare a written document that lists the rights of all  
17 inmates of a county jail or house of correction afforded under the U.S. Constitution,  
18 the Wisconsin Constitution, the Wisconsin statutes, and any applicable  
19 administrative rules and that explains any complaint processes available to

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1 inmates. The sheriff shall update the written document under this paragraph once  
2 per year or within one week of a legal change that affects inmates' rights. The sheriff  
3 shall post the document throughout the county jail or house of correction and provide  
4 copies to each inmate upon entering the county jail or house of correction, being  
5 placed under restricted movement, being placed in solitary confinement, or upon  
6 request at any time. The sheriff shall explain to each inmate the contents of the  
7 document prepared under this paragraph upon the inmate entering the county jail  
8 or house of correction, upon the inmate transferring between county jails or houses  
9 of correction, or upon request at any time.

10 **(2) RIGHTS OF JUVENILES.** (a) The department shall prepare a written document  
11 that lists the rights of all juveniles being held in a type 1 juvenile correctional facility,  
12 a juvenile detention facility, a secured residential care center for children and youth,  
13 or juvenile portion of the county jail that are afforded under the U.S. Constitution,  
14 the Wisconsin Constitution, the Wisconsin statutes, and any applicable  
15 administrative rules and that explains any complaint processes available to  
16 juveniles. The department shall update the written document under this paragraph  
17 once per year or within one week of a legal change that affects juveniles' rights.

18 (b) The department shall post throughout each type 1 juvenile correctional  
19 facility and provide copies of the document under par. (a) to each juvenile upon  
20 entering a type 1 juvenile correctional facility, being placed under restricted  
21 movement, being placed in solitary confinement, or upon request at any time.

22 (c) The department shall ensure that a requirement to post throughout the  
23 facility and provide copies of the document under par. (a) to each juvenile upon  
24 entering a facility, being placed under restricted movement, being placed in solitary  
25 confinement, or upon request at any time is included with the plan for any juvenile

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**SECTION 1**

1 detention facility, secured residential care center for children and youth, or juvenile  
2 portion of the county jail approved under s. 938.22 (2) (a).

3 (d) The superintendent of a type 1 juvenile correctional facility, a juvenile  
4 detention facility, a secured residential care center for children and youth, or juvenile  
5 portion of the county jail shall explain to each juvenile the contents of the document  
6 prepared under par. (a) upon the juvenile entering the facility, upon the juvenile  
7 transferring between facilities, or upon request at any time.

8 (END)