



“Conditions of Confinement” Package Bill List

November 2, 2023

Building on recommendations from stakeholders and people who were formerly incarcerated, this Conditions of Confinement package includes 17 bills to address the current state of conditions and lockdowns in state prisons and county jails by addressing labor rights, personal hygiene, movements and programming, communications, facility modifications, and oversight and transparency.

Labor

AJR 102 - Constitutional Amendment to Ban Slavery

*Authored by Representatives LaKeisha Myers, Dora Drake and Darrin Madison
Senators Lena Taylor and LaTonya Johnson*

The United States Constitution bans slavery except for punishment of a crime. **AJR 102** would amend the Wisconsin Constitution to ban slavery in all forms, even in jails and prisons.

AB 816 - Raising Minimum Wage to \$2.33 an Hour for People Currently Incarcerated

*Authored by Representatives Darrin Madison, Ryan Clancy, Shelia Stubbs and Dora Drake
Senators Lena Taylor and LaTonya Johnson*

Current pay rates for most people who are incarcerated in Wisconsin are 0.00-0.40 cents an hour. **AB 816** establishes that people who are currently incarcerated who work receive a wage that has parity with the sub-minimum wage in Wisconsin which is currently \$2.33 an hour. Currently, the roughly 380 people who are incarcerated and work for the Bureau of Correctional Enterprises can receive a maximum of \$1.61 per hour. **AB 816** also raises the pay for BCE employees by \$2.33 per hour, creating a new maximum pay of \$3.94 per hour. **AB 816** also sets a minimum wage of \$2.33 for people who are incarcerated in a county jail or county work camp.

Hygiene

AB 797 - Regular Products and Culturally Sensitive Products, with a Universal Credit for all Persons Currently Incarcerated

*Authored by Representatives Shelia Stubbs and Darrin Madison
Senator LaTonya Johnson*

AB 797 establishes that state and county institutions must provide a variety of regular and culturally sensitive hygiene products in the commissary and a \$25 per month stipend to each person who is currently incarcerated to purchase the products. Regular products include deodorant, antiperspirant, shampoo, hair conditioner, liquid body wash, bar soap, body lotion, face wash, facial lotion, toothpaste, toothbrush, dental floss, razor, shaving cream, sunscreen, comb, hairbrush, and cleansing wipes.

Culturally sensitive products include shampoo, conditioner, natural hair oil, and shaving cream that are appropriate for types 2, 3, and 4 hair, bar soap, and cocoa-butter-based body lotion.

AB 770 - Free Feminine Hygiene Products

Authored by Representatives Dora Drake, Robyn Vining, Shelia Stubbs, Francesca Hong and Jodi Emerson
Senators LaTonya Johnson and Kelda Roys

AB 770 establishes that state and county institutions' commissaries must provide, free of charge, at least three brands of tampons (one with a plastic applicator) and pads for varying levels of flow, and at least one brand of menstrual cup.

AB 815 - Four Bathing Periods with Heated Running Water

Authored by Representatives Darrin Madison, Jodi Emerson, Shelia Stubbs and Ryan Clancy
Senator Chris Larson

AB 815 requires that people who are currently incarcerated in both state and county institutions have access to at least four bathing periods per week that includes access to heated running water.

Movement

AB 805 - Two Visitations per Week and Original Artwork Created under Supervision

Authored by Representatives Ryan Clancy, Francesca Hong, Samba Baldeh and Darrin Madison
Senators Kelda Roys and LaTonya Johnson

AB 805 requires that people who are currently incarcerated in both county and state institutions have access to two in-person visiting sessions per week, that a person who is incarcerated may designate up to 25 individuals to be registered as visitors, that visitors may physically embrace for 20 seconds before and after visitations. The institution must provide paper, pen or pencil, and markers or crayons, and the person currently incarcerated can keep an original artwork, letter or note that was created during the supervised visit.

AB 771 - Recreational Opportunities and Structured Programming

Authored by Representatives Dora Drake, Ryan Clancy and Darrin Madison
Senator Kelda Roys and Chris Larson

AB 771 requires that all state correctional institutions and sheriffs ensure that all county jails and houses of correction provide recreational opportunities and organized, structured programming that is relevant to the interests and needs of the individuals currently incarcerated being held in state correctional institutions, jails, and houses of correction. **AB 771** requires at least seven hours of recreational opportunities per week and 14 hours of structured programming per week, with an average of 3 hours per day. This 21-hour limit is required when the state or county facility's staffing levels are below 80% for officer staff and structured programming staff. When an institution is at or above 80% for officer and structured programming staffing levels, then it must provide 35 hours per week of recreation and programming.

LRB 4985 - Solitary Confinement Conditions

Authored by Representatives Francesca Hong, Ryan Clancy and Darrin Madison

LRB 4985 establishes minimum conditions for people who are currently incarcerated that are placed in restrictive housing. Within two hours all of the following items must be provided to the individual placed in restrictive housing: any book, a pen or pencil, paper, envelopes, the individual's personal address book, soap, a toothbrush, toothpaste, shampoo, and deodorant. The bill requires that the person currently incarcerated must be allowed to access, within 24 hours of confinement, three 25-minute visitation periods per week to be conducted via live audiovisual means. The bill also requires that the person currently incarcerated is provided with at least 15 hours per week of structured programming in his or her cell, which must include visits of at least 30 minutes at least twice per week from the individual's assigned case manager and at least five times per week from representatives for a variety of other services.

Communications

AB 759 - Electronic Credits for Emails, Video calls, and Media on Personal Devices

*Authored by Representatives Jodi Emerson, Ryan Clancy, Darrin Madison and Francesca Hong
Senator Kelda Roys*

AB 759 would provide one weekly media credit on electronic devices, which would allow people who are currently incarcerated to choose whether they spend the credits on emails, phone calls, or media. The weekly credit will be \$17.50 per person, which is enough to cover 100 emails (sent or received) per week and one 25-minute video visitation (for example).

Facility Modifications

AB 757- Climate Control in State Correctional Institutions.

*Authored by Representatives Samba Baldeh, Darrin Madison, Ryan Clancy and Francesca Hong
Senator Kelda Roys*

AB 757 ensures that the temperature of housing units must be between 68 degrees and 76 degrees Fahrenheit and provides an appropriation to the DOC for updating the HVAC systems to meet this requirement in all facilities by May 1, 2033 at the latest. Within 12 months of passage, the DOC must prepare a report with a prioritization schedule of facility modifications to meet deadlines in the bill. County jails must also meet this requirement by May 1, 2028.

AB 804 - Ability to See Outside

*Authored by Representatives Ryan Clancy, Darrin Madison, Dora Drake, Jodi Emerson
and Francesca Hong*

AB 804 establishes that each person currently incarcerated will have access to at least 3 hours of outdoor viewing time each day, which can be achieved by time spent outdoors, time spent in the cell if the cell has a window, or by moving the person who is currently incarcerated to a location in the institution with a window. **AB 804** also requires that transparent windows be installed in cells with exterior walls where structurally possible.

AB 814 - Access to the Outdoors

Authored by Representatives Darrin Madison, Ryan Clancy, and Francesca Hong

AB 814 provides that every person who is currently incarcerated in State Correctional Institutions or County Houses of Corrections must have at least 3 hours of outdoor time per week. This requirement does not apply to the Milwaukee Secure Detention Facility (MSDF) until January 1, 2026, at which time this requirement will apply to individuals in MSDF after a person's 91st day of confinement in MSDF.

Oversight, Transparency, and Reporting

AB 939 - Public Dashboard with Status on Solitary Confinement and Lockdowns, with Notification System for Families

*Authored by Representatives Darrin Madison, Ryan Clancy and Samba Baldeh
Senators Lena Taylor, Kelda Roys and LaTonya Johnson*

AB 939 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 individual or group of persons currently incarcerated 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 persons who are currently being held in solitary confinement; and 3) the total number of persons being held. **AB 939** also requires the DOC and Sheriffs to establish notification systems that allows people who are currently incarcerated to choose up to 3 individuals who must be notified by electronic message within 24 hours if the person who is currently incarcerated has been placed under an individual or group restriction.

AB 813 - Public Dashboard with Disaggregated Data on Complaints

*Authored by Representatives Darrin Madison, Ryan Clancy, Dora Drake and Samba Baldeh
Senators Kelda Roys, Lena Taylor, and LaTonya Johnson*

AB 813 requires the Department of Corrections to establish and maintain on its website an interactive reporting system that is updated every 72 hours and that reports all of the following complaint data for each state correctional institution:

1. The total number of complaints filed in the current calendar year.
2. For every complaint filed, all complaint data, disaggregated, in a format that is searchable by each category of information contained in the complaint and that does not contain any personally identifying information of any person currently incarcerated or employee of the state correctional institution. The reporting system must be established within six months of the bill passage.

AB 806 - Access to Prisons and Jails for Oversight Purposes

*Authored by Representatives Ryan Clancy, Darrin Madison and Samba Baldeh
Senator Lena Taylor*

AB 806 provides that any legislator who is a member of a standing committee of the legislature with jurisdiction over matters related to the Department of Corrections must be provided immediate access, upon request, to a tour of any state correctional institution that includes the residential areas, prison cells,

meal areas, and discussions with persons currently incarcerated. **AB 806** also ensures that public employees who have oversight of a county jail be provided immediate access to tour any county jail that they have oversight of. Immediate requests may only be denied if between the hours of 9 p.m. to 6 a.m. or if the individual has had 12 requests fulfilled in the calendar year.

AJR 100 - Constitutional Amendment - County Authority to Oversee Jails

*Authored by Representatives Ryan Clancy and Darrin Madison
Senator Lena Taylor*

Currently, counties are able to oversee county prisons. **AJR 100** would apply the same state law for county jails, allowing counties to oversee control of a jail if they vote to do so.

AB 812 - Rights During Incarceration Available to all People who are Currently Incarcerated

*Authored by Representative Darrin Madison, Kalan Haywood, Ryan Clancy and Samba Baldeh
Senator LaTonya Johnson*

AB 812 provides that for all people who are currently incarcerated, the Department of Corrections for state correctional institutions or the county sheriff for county jails must prepare a written document that lists the rights of all adults currently incarcerated 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 each person who is incarcerated. The document must be posted throughout the institution, copies must be provided when entering facilities, restricted movement, solitary confinement, or by request at any time. A person who is currently incarcerated may also request to have their rights explained to them at any time.