

1                                   **GENERAL CODE OF SAUK COUNTY, WISCONSIN**  
2                                   **ORDINANCE AMENDMENT #**  
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4   **Ordinance Amendment to Sauk County Code Chapter 11 – Public Peace and Order**  
5   **to add ordinances related to conduct prohibited in the Sauk County Jail.**  
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7   **Ordinance Amendment offered by the Law Enforcement and Judicial Committee**  
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9   **BACKGROUND:**  
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11   Sauk County Code Chapter 11 incorporates several provisions of Wisconsin Criminal  
12   Code into the Sauk County Code of Ordinances with the stated purpose of promoting  
13   public peace and order. From a law enforcement and judicial prospective, regulating  
14   certain prohibited conduct through both criminal law and county ordinance provides  
15   greater latitude in the enforcement and prosecution of offenses. The ability to handle  
16   some offenses as ordinance violations can alleviate strain on the Courts and provide a  
17   better outcome for the violator while still achieving the desired punitive and corrective  
18   results.  
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20   Two specific Wisconsin Statutes govern conduct prohibited based where the conduct  
21   occurred to include county jails as an applicable location. Wis. §946.73 establishes a  
22   Class C misdemeanor for violating any lawful rule of a penal institution. Wis. §302.095  
23   establishes a Class I Felony for delivering articles to inmates or possessing prohibited  
24   articles in a jail. The Sauk County Jail also has an inmate rulebook governing inmate  
25   behavior and an internal disciplinary system with sanctions for violations. There is  
26   currently not a county ordinance adopting the above-referenced state statutes, leaving a  
27   broad gap between criminal offenses and jail rule violations. The creation of the  
28   proposed ordinances would allow greater flexibility and options for both jail and judicial  
29   staff when addressing these prohibited activities within the Sauk County Jail.  
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34                   **NOW, THEREFORE, THE SAUK COUNTY BOARD OF SUPERVISORS DOES**  
35   **ORDAIN AS FOLLOWS:**

36           Section 1. Any existing ordinances, codes, resolutions, or portions thereof in  
37   conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

38           Section 2. This ordinance shall take effect the day after passage and publication  
39   as required by law.

40           Section 3. If any claims, provisions, or portions of this ordinance are adjudged  
41   unconstitutional or invalid by a court of competent jurisdiction, the remainder of this  
42   ordinance shall not be affected thereby.

43           Section 4. Chapter 11, Sections 15-18 of the General Code of Sauk County,  
44   Wisconsin, is amended as follows [additions noted by underline, deletions noted by  
45   strikethrough]:  
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48   Sec. 11.15 – Delivering articles to inmate.

49   (1) In this section, "jail" means any of the following:

50             (a) A jail, as defined in s. 302.30.

51             (b) A house of correction.

\_\_\_\_\_ (c) A Huber facility under s. 303.09.  
\_\_\_\_\_ (d) A lockup facility, as defined in s. 302.30.

(2)

\_\_\_\_\_ (a) Any officer or other person who does any of the following contrary to the rules or regulations and without the knowledge or permission of the sheriff or other keeper of the jail, may be penalized as provided in this chapter:

1. Delivers, procures to be delivered, or has in his or her possession with intent to deliver to any inmate confined in a jail, any article or thing whatever, with intent that any inmate confined in the jail shall obtain or receive the same.

2. Deposits or conceals in or about a jail, or the precincts of a jail, or in any vehicle going into the premises belonging to a jail, any article or thing whatever, with intent that any inmate confined in the jail shall obtain or receive the same.

3. Receives from any inmate any article or thing whatever with intent to convey the same out of a jail.

(b) Any person who, contrary to the rules or regulations and without the knowledge or permission of the sheriff or other keeper of the jail, has in his or her possession with intent to retain for himself or herself any article or thing whatever.

#### Sec. 11.16 – Violation of County Jail Rules

(1). Whoever violates any lawful rule made pursuant to state law governing the Sauk County Jail or Huber Facility while within the same or the grounds thereof may be penalized as provided in this chapter.

#### Sec. 11.15, 11.17 - Penalty.

The penalty for violating any section of this chapter shall be a forfeiture of not less than \$10.00 nor more than \$1,000.00 together with court costs and fees prescribed by Wis. Stats. § 814.63(1) and (2), penalty assessment imposed by Wis. Stats. § 165.87, jail assessment imposed by Wis. Stats. § 53.46(1), and automation fee imposed by Wis. Stats. § 814.635.

#### Sec. 11.16, 11.18. - Enforcement.

(1) Actions under this chapter shall be prosecuted in the name of Sauk County by the Sauk County District Attorney in the Circuit Court of Sauk County in accordance with the provisions of Wis. Stats. ch. 778

(2) All actions under this chapter shall be commenced by the issuance and filing of a citation prepared in accordance with Chapter 20 of the Sauk County Code of Ordinances.

Approved for presentation to the County Board by the Law Enforcement and Judiciary Committee this 11th day of October, 2022.

Consent Agenda Item: [ ] YES [x] NO

Fiscal Impact: [x] None [ ] Budgeted Expenditure [ ] Not Budgeted

Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ ¾ Majority = \_\_\_\_\_

103 The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as  
104 reviewed by the Corporation Counsel, \_\_\_\_\_, Date:  
105 October 18, 2022.

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108 Offered and passage moved by: \_\_\_\_\_  
109 John Deitrich  
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111 \_\_\_\_\_  
112 Kevin Schell  
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114 \_\_\_\_\_  
115 Delmar Scanlon  
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117 \_\_\_\_\_  
118 Sheila Carver  
119  
120 \_\_\_\_\_  
121 David Clemens  
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124 Fiscal Note: No fiscal impact.

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126 MIS Note: None