2019 BILL

1   AN ACT *to amend* 302.045 (2) (c), 302.05 (3) (a) 1., 302.113 (9g) (b) (intro.), 973.01

2   (3g) and 973.01 (3m); and *to create* 304.02 (1m) and 973.09 (3) (d) 7. of the

3   statutes; **relating to:** earned release from parole or extended supervision and

4   discharge from probation.

Analysis by the Legislative Reference Bureau

This bill specifies that an individual who is on probation for committing certain violent crimes may not be discharged early from probation, and an individual who is serving a sentence in prison for certain violent crimes does not qualify for programs that allow early release to parole or extended supervision.

Under current law, the court may discharge a person from probation after he or she has completed 50 percent of his or her period of probation if he or she has met all the rules and conditions of probation. Under this bill, a person is not eligible to be discharged from probation under this provision if he or she is on probation for certain violent crimes.

Under current law, the Department of Corrections provides certain programs that allow inmates to qualify for release to parole or extended supervision, regardless of the amount of time that the inmate has served. Under current law, an inmate is ineligible for these programs if he or she is serving a sentence for certain violent crimes. This bill adds certain other violent crimes to the list of crimes that make an inmate ineligible for these programs.

Under current law, an inmate may petition for a reduced term of confinement in prison if that inmate has reached a certain age or has an extraordinary health

BILL

condition. Under this bill, an inmate is ineligible for the reduced term of confinement based on age or an extraordinary health condition if the inmate is serving a sentence for certain violent crimes.

Under current law, DOC may use a special action release program to relieve crowding in state prisons by releasing certain inmates to parole. Under this bill, an inmate is not eligible for special action release if he or she is serving a sentence for certain violent crimes.

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. 302.045 (2) (c) of the statutes is amended to read:

2   302.045 **(2)** (c) The inmate is incarcerated regarding a violation other than a

3   crime specified in ch. 940 or s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b),

4   not including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02,

5   948.025, 948.03, 948.05, 948.051 (3), 948.055, 948.06, 948.07, 948.075, 948.08,

6   948.085, or 948.095.

7   SECTION 2. 302.05 (3) (a) 1. of the statutes is amended to read:

8   302.05 **(3)** (a) 1. The inmate is incarcerated regarding a violation other than

9   a crime specified in ch. 940 or s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b),

10 not including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02,

11 948.025, 948.03, 948.05, 948.051 (3), 948.055, 948.06, 948.07, 948.075, 948.08,

12 948.085, or 948.095.

13 SECTION 3. 302.113 (9g) (b) (intro.) of the statutes is amended to read:

14 302.113 **(9g)** (b) (intro.) An inmate who is serving a bifurcated sentence for a

15 crime other than a Class B felony; a crime specified in s. 941.29 (1g) (a); a crime

16 specified in s. 941.29 (1g) (b), not including s. 951.02, 951.08, 951.09, or 951.095; or

17 a crime under s. 948.02 (3), 948.055, 948.075, or 948.095 may seek modification of

1 the bifurcated sentence in the manner specified in par. (f) if he or she meets one of

2 the following criteria:

3 **SECTION 4.** 304.02 (1m) of the statutes is created to read:

4 304.02 **(1m)** A person who is serving a sentence for a crime specified in s. 941.29

5 (1g) (a); a crime specified in s. 941.29 (1g) (b), not including s. 951.02, 951.08, 951.09,

6 or 951.095; or a crime under s. 948.02 (3), 948.055, 948.075, or 948.095 is not eligible

7 for special action release under this section.

8 **SECTION 5.** 973.01 (3g) of the statutes is amended to read:

9 973.01 **(3g)** EARNED RELEASE PROGRAM ELIGIBILITY. When imposing a bifurcated

10 sentence under this section on a person convicted of a crime other than a crime

11 specified in ch. 940 or s. <u>941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b), not</u>

12 <u>including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s.</u> 948.02, ~~948.025,~~

13 ~~948.03, 948.05, 948.051~~ <u>(3)</u>, 948.055, ~~948.06, 948.07,~~ 948.075, ~~948.08, 948.085,~~ or

14 948.095, the court shall, as part of the exercise of its sentencing discretion, decide

15 whether the person being sentenced is eligible or ineligible to participate in the

16 earned release program under s. 302.05 (3) during the term of confinement in prison

17 portion of the bifurcated sentence.

18 **SECTION 6.** 973.01 (3m) of the statutes is amended to read:

19 973.01 **(3m)** CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing

20 a bifurcated sentence under this section on a person convicted of a crime other than

21 a crime specified in ch. 940 or s. <u>941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b),</u>

22 <u>not including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s.</u> 948.02,

23 ~~948.025, 948.03, 948.05, 948.051~~ <u>(3)</u>, 948.055, ~~948.06, 948.07,~~ 948.075, ~~948.08,~~

24 ~~948.085,~~ or 948.095, the court shall, as part of the exercise of its sentencing

25 discretion, decide whether the person being sentenced is eligible or ineligible for the

1   challenge incarceration program under s. 302.045 during the term of confinement in

2   prison portion of the bifurcated sentence.

3   **SECTION 7.** 973.09 (3) (d) 7. of the statutes is created to read:

4   973.09 **(3)** (d) 7. The probationer is on probation for a violation other than a

5   crime specified in s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b), not

6   including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02 (3),

7   948.055, 948.075, or 948.095.

8   **(END)**