



## 2011 SENATE BILL 545

March 5, 2012 - Introduced by Senators LEIBHAM and T. CULLEN, cosponsored by Representatives ENDSLEY, BIES, JACQUE, LEMAHIEU, MARKLEIN, SPANBAUER, STROEBEL and ZIEGELBAUER. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1     **AN ACT to create** 302.043 (4), 302.045 (3m) (e), 302.05 (3) (c) 4., 302.11 (6m),  
2             302.113 (7r), 302.114 (8g), 304.02 (2m), 304.06 (1r) and 973.09 (1d) of the  
3             statutes; **relating to:** searches by a law enforcement officer of a person on  
4             probation, parole, or extended supervision.

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### *Analysis by the Legislative Reference Bureau*

Under current law, with certain exceptions, if a person is convicted of a crime a court may withhold sentencing of the person or may impose a sentence but stay its execution and, in either case, place the person on probation. The court may impose conditions of probation. If a person violates a condition of probation, the person's probation may be revoked.

Under current law, a person who is released from confinement in a prison to parole or to extended supervision is subject to conditions set by the parole commission or by the Department of Corrections. If a person violates one of these conditions, his or her parole or extended supervision may be revoked and the person may be returned to prison.

This bill specifies that a person who is placed on probation or a person who is released from incarceration to parole or extended supervision is subject to having his or her person, residence, and any property under his control searched by a law enforcement officer at any time if the officer reasonably suspects that the person is committing, is about to commit, or has committed a crime or a violation of a condition of probation or release.

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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.** 302.043 (4) of the statutes is created to read:

2           302.043 (4) A person released under this section, his or her residence, and any  
3 property under his or her control may be searched by a law enforcement officer at any  
4 time during his or her period of supervision if the officer reasonably suspects that the  
5 person is committing, is about to commit, or has committed a crime or a violation of  
6 a condition of release to extended supervision.

7           **SECTION 2.** 302.045 (3m) (e) of the statutes is created to read:

8           302.045 (3m) (e) A person released under this subsection, his or her residence,  
9 and any property under his or her control may be searched by a law enforcement  
10 officer at any time during his or her period of supervision if the officer reasonably  
11 suspects that the person is committing, is about to commit, or has committed a crime  
12 or a violation of a condition of release to extended supervision.

13           **SECTION 3.** 302.05 (3) (c) 4. of the statutes is created to read:

14           302.05 (3) (c) 4. A person released under this paragraph, his or her residence,  
15 and any property under his or her control may be searched by a law enforcement  
16 officer at any time during his or her period of supervision if the officer reasonably  
17 suspects that the person is committing, is about to commit, or has committed a crime  
18 or a violation of a condition of release to extended supervision.

19           **SECTION 4.** 302.11 (6m) of the statutes is created to read:

20           302.11 (6m) A person released under this section, his or her residence, and any  
21 property under his or her control may be searched by a law enforcement officer at any

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1 time during his or her period of supervision if the officer reasonably suspects that the  
2 person is committing, is about to commit, or has committed a crime or a violation of  
3 a condition of parole.

4 **SECTION 5.** 302.113 (7r) of the statutes is created to read:

5 302.113 (7r) A person released under this section, his or her residence, and any  
6 property under his or her control may be searched by a law enforcement officer at any  
7 time during his or her period of supervision if the officer reasonably suspects that the  
8 person is committing, is about to commit, or has committed a crime or a violation of  
9 a condition of release to extended supervision.

10 **SECTION 6.** 302.114 (8g) of the statutes is created to read:

11 302.114 (8g) A person released under this section, his or her residence, and any  
12 property under his or her control may be searched by a law enforcement officer at any  
13 time during his or her period of supervision if the officer reasonably suspects that the  
14 person is committing, is about to commit, or has committed a crime or a violation of  
15 a condition of release to extended supervision.

16 **SECTION 7.** 304.02 (2m) of the statutes is created to read:

17 304.02 (2m) A person released under this section, his or her residence, and any  
18 property under his or her control may be searched by a law enforcement officer at any  
19 time during his or her period of supervision if the officer reasonably suspects that the  
20 person is committing, is about to commit, or has committed a crime or a violation of  
21 a condition of parole.

22 **SECTION 8.** 304.06 (1r) of the statutes is created to read:

23 304.06 (1r) A person released under this section, his or her residence, and any  
24 property under his or her control may be searched by a law enforcement officer at any  
25 time during his or her period of supervision if the officer reasonably suspects that the

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1 person is committing, is about to commit, or has committed a crime or a violation of  
2 a condition of parole.

3 **SECTION 9.** 973.09 (1d) of the statutes is created to read:

4 973.09 (1d) A person who is placed on probation, his or her residence, and any  
5 property under his or her control may be searched by a law enforcement officer at any  
6 time during his or her period of supervision if the officer reasonably suspects that the  
7 person is committing, is about to commit, or has committed a crime or a violation of  
8 a condition of probation.

9 **SECTION 10. Initial applicability.**

10 (1) This act first applies to a person who is placed on probation, released on  
11 parole, or released to extended supervision on the effective date of this subsection.

12 (END)