

November 1987 Spec. Sess.  
Assembly Bill 8

Date of enactment: **June 6, 1988**  
Date of publication: **June 13, 1988**

## 1987 Wisconsin Act 412

AN ACT to amend 53.11 (1m), 56.065 (1), 57.06 (1) (b), 973.011 (intro.) and 973.09 (1) (c); and to create 973.014 of the statutes, relating to parole and probation for persons who are convicted of crimes punishable by life imprisonment.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 53.11 (1m) of the statutes is amended to read:

53.11 (1m) An inmate serving a life term is not entitled to mandatory release. ~~The~~ Except as provided in s. 973.014, the department may parole the inmate as specified in s. 57.06 (1).

SECTION 2. 56.065 (1) of the statutes, as affected by 1987 Wisconsin Act 244, is amended to read:

56.065 (1) The department of health and social services may grant work release privileges to any person incarcerated within the state prisons, except that no person serving a life sentence may be considered for work release until he or she has reached parole eligibility ~~as defined in~~ under s. 57.06 (1) (b) or s. 973.014, whichever is applicable.

SECTION 3. 57.06 (1) (b) of the statutes, as affected by 1987 Wisconsin Act 244, is amended to read:

57.06 (1) (b) Except as provided in sub. (1m), the department may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year or more in the Milwaukee county house of correction or a county reforestation camp organized under s. 56.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. ~~The~~ Except as provided in s. 973.014, the department may parole an inmate serving a life term when he or she has served 20 years, as modified by the formula under s. 53.11 (1) and subject to extension using the formulas under s. 53.11 (2). The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The department shall not provide any convicted offender or

other person sentenced to its custody any parole eligibility or evaluation until the person has been confined at least 60 days following sentencing.

SECTION 4. 973.011 (intro.) of the statutes is amended to read:

**973.011 Sentencing rules; guidelines for judges.** (intro.) ~~If the supreme court has authority under s. 751.13, it may promulgate rules under this section. If that authority has been transferred under s. 751.13 (4) or (7), the~~ The sentencing commission shall promulgate rules under this section. Any such rules shall provide guidelines for use by judges for sentencing defendants convicted of felonies, but shall not provide guidelines for determinations under s. 973.014. The rules shall:

SECTION 5. 973.014 of the statutes is created to read:

**973.014 Sentence of life imprisonment; parole eligibility determination.** When a court sentences a person to life imprisonment for a crime committed on or after the effective date of this section .... [revisor inserts date], the court shall make a parole eligibility determination regarding the person and choose one of the following options:

(1) The person is eligible for parole under s. 57.06 (1).

(2) The person is eligible for parole on a date set by the court. Under this subsection, the court may set any later date than that provided in s. 57.06 (1), but may not set a date that occurs before the earliest possible parole eligibility date as calculated under s. 57.06 (1).

SECTION 5m. 973.09 (1) (c) of the statutes is amended to read:

973.09 (1) (c) When a person is convicted of ~~the any~~ any crime ~~specified in s. 940.01~~ which is punishable by life

87 WisACT 412

imprisonment, the court shall not place the person on probation.

SECTION 6. **Initial applicability.** This act applies to crimes committed on or after July 1, 1988.

SECTION 7. **Effective date.** This act takes effect on July 1, 1988.

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