



## 1997 SENATE BILL 345

November 6, 1997 - Introduced by Senator BURKE, cosponsored by Representatives HUBER and MURAT. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1     **AN ACT** *to renumber and amend* 301.048 (6) and 303.065 (1); *to amend* 19.85  
2     (1) (d), 20.410 (1) (b), 20.410 (1) (bn), 20.410 (1) (d), 20.410 (1) (g), 20.410 (1) (gb),  
3     20.410 (1) (gc), 20.410 (1) (ge), 20.410 (1) (gf), 46.21 (1) (d), 46.23 (2) (a), 46.48  
4     (8) (d) 1., 48.78 (2) (d) 5., 51.15 (1) (b) 2., 51.20 (1) (ar) (intro.), 51.20 (13) (g) 2m.,  
5     51.30 (4) (b) 10. (intro.), 51.30 (4) (b) 10. a., 51.30 (4) (b) 10. b., 51.30 (4) (b) 10.  
6     d., 51.37 (8) (a), 51.37 (8) (b), 51.37 (11), 106.215 (8g) (b), 111.32 (3), 132.13 (1)  
7     (a), 165.76 (1) (a), 165.76 (1) (e), 165.76 (2) (b) 1., 165.76 (2) (b) 2., 165.76 (2) (b)  
8     3m., 165.76 (2) (b) 5., 165.76 (2) (b) 6., 165.84 (5), 227.03 (4), 230.36 (1), 230.36  
9     (3) (c) (intro.), 230.36 (3) (c) 2., 230.36 (3) (c) 3., 301.03 (2r), 301.03 (3), 301.03  
10    (3g), 301.046 (3) (intro.), 301.048 (1) (a), 301.048 (2) (b), 301.048 (2) (d), 301.048  
11    (4) (a), 301.048 (4) (am), 301.048 (4m) (b) (intro.), 301.048 (4m) (b) 1., 301.048  
12    (4m) (b) 2., 301.049 (2) (a) 2., 301.049 (3) (e), 301.08 (1) (c) 1. a., 301.08 (1) (c)  
13    1. b., 301.08 (1) (c) 2., 301.132 (2), 301.132 (3), 301.21 (1) (h), 301.32 (3) (a),  
14    301.32 (3) (b), 301.38 (1) (am), 301.45 (1) (b), 301.45 (1) (bm), 301.45 (1) (dh),  
15    301.45 (2) (a) 4. b., 301.45 (2) (e) 1., 301.45 (2) (e) 2., 301.45 (3) (a) 1m., 301.45  
16    (3) (a) 2., 301.45 (3) (b) 2., 301.45 (3) (b) 4., 301.45 (5) (a) 1m., 301.46 (2) (b) 4.  
17    b., 302.045 (1), 302.045 (3), 302.045 (4), 302.11 (1), 302.11 (1g) (am), 302.11 (1i),

1 302.11 (1p), 302.11 (6), 302.11 (9), 302.14, 302.17 (2), 302.25 (4) (c), 302.33 (2)  
2 (a) (intro.), 302.33 (2) (b), 302.335 (title), 302.335 (2) (intro.), 302.335 (2) (a)  
3 (intro.), 302.335 (2) (a) 1., 302.335 (2) (a) 2., 302.335 (2) (a) 3., 302.335 (2) (b),  
4 302.335 (3), 302.335 (4), 303.21 (1) (a), 303.215, 304.02 (3) (c), 304.02 (4), 304.02  
5 (5), 304.06 (1) (b), 304.06 (1y), 304.062 (title), 304.062 (1), 304.062 (2), 304.063  
6 (title), 304.063 (2) (intro.), 304.063 (3), 304.071 (2), 304.072 (title), 304.072 (1),  
7 304.072 (2), 304.072 (3), 304.072 (4), 304.073 (2), 304.074 (title), 304.074 (2),  
8 304.074 (3) (intro.), 304.074 (3) (d), 304.074 (4), 304.075, 304.13 (1) (intro.),  
9 304.13 (2), 304.13 (3), 304.13 (7), 304.13 (8) (b), 304.135, 304.137, 304.14, 343.06  
10 (1) (i), 343.30 (2d), 563.14 (2), 563.27 (1), 563.51 (29) (b), 801.50 (5), 938.183 (2)  
11 (b), 938.78 (2) (d) 5., 938.991 (1), 938.991 (3) (c), 938.991 (5) (a), 938.991 (5) (am),  
12 938.991 (6), 938.991 (7) (title), 938.991 (7) (a), 938.991 (7) (b), 938.991 (7) (c),  
13 938.991 (14), 938.993 (2), 939.62 (2m) (b), 940.20 (2m) (title), 940.20 (2m) (a) 2.,  
14 940.20 (2m) (b), 942.06 (2m) (a), 942.06 (2q) (a) (intro.), 946.42 (1) (a), 946.46,  
15 950.045, 961.49 (2) (a), 961.49 (2) (b), 969.01 (4), 971.11 (1), 972.13 (6), 972.15  
16 (5) (intro.), 973.013 (1) (b), 973.013 (2), 973.0135 (2) (intro.), 973.014 (title),  
17 973.014 (1) (intro.), 973.014 (1) (c), 973.014 (2), 973.02, 973.032 (1), 973.032 (5),  
18 973.10 (1), 973.15 (1), 973.15 (2) (b), 973.15 (6), 973.155 (1) (b), 973.155 (2),  
19 973.155 (5), 973.20 (1r), 973.20 (10), 975.10 (1), 976.03 (3), 976.03 (13), 976.03  
20 (22), 976.03 (23) (b), 976.03 (27) (a), 976.05 (3) (a), 976.05 (4) (b), 977.05 (6) (h)  
21 (intro.), 977.05 (6) (h) 1., 977.05 (6) (h) 2., 978.07 (1) (c) 1., 980.015 (2) (a), 980.02  
22 (1) (b) 2., 980.02 (2) (ag) and 980.02 (4) (am); and **to create** 46.03 (7) (e), 301.03  
23 (13), 301.046 (3t), 301.048 (2) (cm), 301.048 (2m), 301.048 (6) (b), 301.35 (2)  
24 (bm), 302.045 (2) (cm), 302.045 (3m), 302.11 (1z), 302.113, 302.114, 304.02 (6),  
25 972.15 (2c), 973.01 and 973.014 (1g) of the statutes; **relating to:** sentences for

1 felony offenses, parole, extended supervision and granting rule-making  
2 authority.

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### ***Analysis by the Legislative Reference Bureau***

This bill makes changes in the structure of sentences for felony offenses and establishes a criminal code study committee. Specifically, the bill does the following:

#### ***Sentences for felony offenses***

Currently, a person serving a sentence of imprisonment to a state prison usually has 3 possible ways of being released on parole: discretionary parole granted by the parole commission (for which a person is usually eligible after serving 25% of the sentence or 6 months, whichever is greater); mandatory release on parole (usually granted automatically after the person serves two-thirds of the sentence); or special action parole release by the secretary of corrections (a program designed to relieve prison crowding).

However, current law also provides different parole eligibility provisions for certain serious felony offenders. If a serious felony offender has one or more prior convictions for a serious felony, a judge may set a discretionary parole eligibility date for the offender that is later than 25% of the sentence or 6 months but not later than the mandatory release date of two-thirds of the sentence. In addition, certain serious felony offenders need not be automatically released when they reach their mandatory release dates. Instead, the parole commission may deny mandatory release to such an offender in order to protect the public or because the offender refused to participate in counseling or treatment. The serious felony offenders covered by these parole provisions include persons convicted of serious violations such as homicide, battery, sexual assault, mayhem, kidnapping, taking hostages, arson, armed burglary, armed robbery, carjacking, assault by a prisoner, crimes against children and controlled substances.

Under this bill, if a court chooses to sentence a felony offender to a term of imprisonment in state prison for a felony committed on or after July 1, 1999, the court must do so by providing a bifurcated sentence that includes a term of confinement in prison followed by a term of supervision in the community (called "extended supervision"). A person given a bifurcated sentence is not eligible for parole. A bifurcated sentence imposed under the bill must be structured as follows:

1. The total length of the bifurcated sentence may not exceed the maximum term of imprisonment allowable for the felony.

2. The court must set the term of confinement in prison portion of the sentence to be at least one year but not more than 75% of the total length of the bifurcated sentence, except that if the maximum period of imprisonment for the felony is one year the term of confinement in prison must be at least 6 months but not more than 8 months.

3. The term of extended supervision must equal at least 25% of the length of the term of confinement in prison.

Thus, for example, if a person is convicted of a Class B felony, which is punishable by imprisonment of not more than 40 years, the judge could sentence the person to a 30-year term of confinement in prison, in which case the term of extended supervision would have to be at least 7 and one-half years but could not be more than 10 years.

The bill also provides that a person serving a bifurcated sentence is not eligible for release from the term of confinement in prison to the intensive sanctions program or the community residential confinement program. In addition, a person serving a bifurcated sentence is not eligible for release from the term of confinement in prison to the challenge incarceration program (often referred to as "boot camp") unless the court decides at the time of sentencing that the person is eligible for the program.

After the person completes the term of confinement in prison portion of a bifurcated sentence, he or she serves the term of extended supervision in which he or she is subject to conditions set by both the court and the department of corrections (DOC) and is subject to supervision by DOC. If a person violates a condition of extended supervision, extended supervision may be revoked and the person may be returned to serve a period of time in prison.

Under current law, a person serving a life sentence usually must serve 20 years minus time calculated under the mandatory release formula before he or she is eligible for release on parole. If the person does not receive extensions due to violations of prison rules, he or she reaches parole eligibility after serving 13 years, 4 months. However, a judge may set a parole eligibility date for a person serving a life sentence that is later than the usual parole eligibility date or may provide that the person is not eligible for parole. Also, if a person has 2 convictions for any of certain serious felonies and is then convicted a 3rd time for another serious felony, he or she must be sentenced to life without parole (the so-called "3 strikes, you're out" law). No person serving a life sentence is entitled to mandatory release.

This bill provides that a person sentenced to life imprisonment for a crime committed on or after July 1, 1999, is not eligible for parole. Instead, the bill requires a judge who is sentencing a person to life imprisonment to do one of the following: 1) provide that the person is eligible for extended supervision after serving 20 years; 2) set a date on which the person becomes eligible for extended supervision, as long as that date requires the person to serve at least 20 years; or 3) provide that the person is not eligible for extended supervision. If the court provides that the person is eligible for extended supervision, the person may petition the sentencing court for release to extended supervision on or after the extended supervision eligibility date. A person sentenced to life who is released to extended supervision is on extended supervision for the remainder of his or her life and, like a person on extended supervision under a bifurcated sentence (see above), may have his or her extended supervision revoked and be returned to prison if he or she violates a condition of extended supervision. The bill does not affect persons sentenced to life imprisonment without the possibility of parole under the "3 strikes, you're out" law.

### ***Criminal code study committee***

This bill creates a committee called the criminal code study committee that consists of all of the following members: 2 judges appointed by the supreme court;

the majority leader in each house, or his or her designee; the minority leader in each house, or his or her designee; one faculty member from the law school of the University of Wisconsin appointed by the governor; one faculty member from the law school of Marquette University appointed by the governor; the attorney general or his or her designee; one current district attorney appointed by the attorney general; the state public defender or his or her designee; one representative of crime victims appointed by the attorney general; one member of the criminal law section of the state bar appointed by the governor; one representative of law enforcement agencies appointed by the governor; 3 public members appointed by the governor; and the secretary of corrections or his or her designee.

Under the bill, the committee is required to study the classification of criminal offenses in the criminal code, the penalties for all felonies and issues relating to the implementation of the changes made in this bill relating to the structure of sentences for felony offenses. The committee must also make recommendations concerning all of the following: 1) creating a sentencing commission to promulgate sentencing guidelines for use by judges when imposing sentence under the new felony sentencing structure created in this bill; 2) changing the administrative rules of the department of corrections to ensure that a person is returned to prison promptly and for an appropriate period of time if he or she violates a condition of extended supervision; and 3) creating a uniform classification system for all felonies, including felonies outside of the criminal code, classifying every felony in a manner that places crimes of similar severity into the same classification and consolidating all felonies into a single criminal code.

Finally, the bill requires the committee to submit a report of its findings and recommendations to the legislature no later than January 1, 1999. The committee's report must include any proposed legislation that is necessary to implement the recommendations made by the committee in its report.

For further information see the *state* 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.** 19.85 (1) (d) of the statutes is amended to read:

2           19.85 (1) (d) Except as provided by rule promulgated under s. 304.06 (1) (em),  
3           considering specific applications of probation, extended supervision or parole, or  
4           considering strategy for crime detection or prevention.

5           **SECTION 2.** 20.410 (1) (b) of the statutes is amended to read:

1           20.410 (1) (b) *Field supervision*. The amounts in the schedule to provide  
2 services related to probation, extended supervision and parole. No payments may be  
3 made under this paragraph for payments in accordance with other states party to the  
4 interstate corrections compact under s. 302.25.

5           **SECTION 3.** 20.410 (1) (bn) of the statutes is amended to read:

6           20.410 (1) (bn) (title) *Reimbursing counties for probation, extended supervision*  
7 *and parole holds*. The amounts in the schedule for payments to counties under s.  
8 302.33 (2) (a) for costs relating to maintaining persons in custody pending the  
9 disposition of their parole, extended supervision or probation revocation  
10 proceedings.

11           **SECTION 4.** 20.410 (1) (d) of the statutes is amended to read:

12           20.410 (1) (d) *Purchased services for offenders*. The amounts in the schedule  
13 for the purchase of goods, care and services, authorized under s. 301.08 (1) (b) 1., for  
14 probationers, parolees, persons on extended supervision and other offenders, except  
15 as provided in par. (dd). In addition, funds from this appropriation shall be used to  
16 reimburse programs under s. 38.04 (12).

17           **SECTION 5.** 20.410 (1) (g) of the statutes is amended to read:

18           20.410 (1) (g) (title) *Loan fund for persons on probation, extended supervision*  
19 *or parole*. The amounts in the schedule for the purposes specified in ss. 301.32 (3)  
20 and 304.075. All moneys received belonging to absconding probationers and,  
21 parolees, and persons on extended supervision under ss. 301.32 (3) and 304.075 shall  
22 be credited to this appropriation.

23           **SECTION 6.** 20.410 (1) (gb) of the statutes is amended to read:

24           20.410 (1) (gb) *Drug testing*. All moneys received from probation, extended  
25 supervision and parole clients who are required to pay for their drug testing, as

1 prescribed by rule in accordance with s. 301.03 (3), for expenditures related to the  
2 drug testing program for probationers and, parolees and persons on extended  
3 supervision under s. 301.03 (3).

4 **SECTION 7.** 20.410 (1) (gc) of the statutes is amended to read:

5 20.410 (1) (gc) *Sex offender honesty testing.* All moneys received from  
6 probation, extended supervision and parole clients who are required to pay for  
7 polygraph examinations, as prescribed by rule in accordance with s. 301.132 (3), for  
8 expenditures related to the lie detector test program for probationers, extended  
9 supervision and parolees under s. 301.132.

10 **SECTION 8.** 20.410 (1) (ge) of the statutes is amended to read:

11 20.410 (1) (ge) *Administrative and minimum supervision.* The amounts in the  
12 schedule for the supervision of probationers and, parolees and persons on extended  
13 supervision under minimum or administrative supervision and for the department's  
14 costs associated with contracts under s. 301.08 (1) (c) 2. All moneys received from  
15 vendors under contracts under s. 301.08 (1) (c) 2. and from fees charged under s.  
16 304.073 (2) shall be credited to this appropriation account.

17 **SECTION 9.** 20.410 (1) (gf) of the statutes is amended to read:

18 20.410 (1) (gf) *Probation, extended supervision and parole.* The amounts in the  
19 schedule for probation, extended supervision and parole. All moneys received under  
20 s. 304.074 (2) shall be credited to this appropriation account.

21 **SECTION 10.** 46.03 (7) (e) of the statutes is created to read:

22 46.03 (7) (e) As part of its biennial budget request under s. 16.42, submit a  
23 request for funding for child abuse prevention efforts in an amount equal to or  
24 greater than 1% of the total proposed budget of the department of corrections for the

1 same biennium, as indicated by the estimate provided by the department of  
2 corrections under s. 301.03 (13).

3 **SECTION 11.** 46.21 (1) (d) of the statutes is amended to read:

4 46.21 (1) (d) "Human services" means the total range of services to people,  
5 including mental illness treatment, developmental disabilities services, physical  
6 disabilities services, relief funded by a relief block grant under ch. 49, income  
7 maintenance, youth probation, extended supervision and parole services, alcohol  
8 and drug abuse services, services to children, youth and families, family counseling,  
9 exceptional educational services for children from birth to the age of 3 and manpower  
10 services.

11 **SECTION 12.** 46.23 (2) (a) of the statutes is amended to read:

12 46.23 (2) (a) "Human services" means the total range of services to people  
13 including, but not limited to, health care, mental illness treatment, developmental  
14 disabilities services, relief funded by a block grant under ch. 49, income  
15 maintenance, probation, extended supervision and parole services, alcohol and drug  
16 abuse services, services to children, youth and aging, family counseling, exceptional  
17 educational services and manpower services.

18 **SECTION 13.** 46.48 (8) (d) 1. of the statutes is amended to read:

19 46.48 (8) (d) 1. The use of liaisons to meet with prospective program  
20 participants to provide information about the program and to assist program  
21 participants, prior to their release on extended supervision or parole, in planning for  
22 and obtaining the housing, employment, education and treatment that they will  
23 need upon release.

24 **SECTION 14.** 48.78 (2) (d) 5. of the statutes is amended to read:

1           48.78 (2) (d) 5. On parole under s. 302.11 or ch. 304 or on extended supervision  
2 under s. 302.113 or 302.114.

3           **SECTION 15.** 51.15 (1) (b) 2. of the statutes is amended to read:

4           51.15 (1) (b) 2. A specific recent overt act or attempt or threat to act or omission  
5 by the individual which is reliably reported to the officer or person by any other  
6 person, including any probation, extended supervision and parole agent authorized  
7 by the department of corrections to exercise control and supervision over a  
8 probationer ~~or~~, parolee or person on extended supervision.

9           **SECTION 16.** 51.20 (1) (ar) (intro.) of the statutes is amended to read:

10          51.20 (1) (ar) (intro.) If the individual is an inmate of a state prison, the petition  
11 may allege that the inmate is mentally ill, is a proper subject for treatment and is  
12 in need of treatment. The petition shall allege that appropriate less restrictive forms  
13 of treatment have been attempted with the individual and have been unsuccessful  
14 and it shall include a description of the less restrictive forms of treatment that were  
15 attempted. The petition shall also allege that the individual has been fully informed  
16 about his or her treatment needs, the mental health services available to him or her  
17 and his or her rights under this chapter and that the individual has had an  
18 opportunity to discuss his or her needs, the services available to him or her and his  
19 or her rights with a licensed physician or a licensed psychologist. The petition shall  
20 include the inmate's sentence and his or her expected date of release as determined  
21 under s. 302.11 or 302.113, whichever is applicable. The petition shall have attached  
22 to it a signed statement by a licensed physician or a licensed psychologist of a state  
23 prison and a signed statement by a licensed physician or a licensed psychologist of  
24 a state treatment facility attesting either of the following:

25          **SECTION 17.** 51.20 (13) (g) 2m. of the statutes is amended to read:

1           51.20 (13) (g) 2m. In addition to the provisions under subds. 1., 2. and 2g., no  
2           commitment ordered under par. (a) 4. or 4m. may continue beyond the inmate's date  
3           of release on parole or extended supervision, as determined under s. 302.11 or  
4           302.113, whichever is applicable.

5           **SECTION 18.** 51.30 (4) (b) 10. (intro.) of the statutes is amended to read:

6           51.30 (4) (b) 10. (intro.) To a correctional facility or to a probation, extended  
7           supervision and parole agent who is responsible for the supervision of an individual  
8           who is receiving inpatient or outpatient evaluation or treatment under this chapter  
9           in a program that is operated by, or is under contract with, the department or a  
10          county department under s. 51.42 or 51.437, or in a treatment facility, as a condition  
11          of the probation, extended supervision and parole supervision plan, or whenever  
12          such an individual is transferred from a state or local correctional facility to such a  
13          treatment program and is then transferred back to the correctional facility. Every  
14          probationer ~~or~~, parolee or person on extended supervision who receives evaluation  
15          or treatment under this chapter shall be notified of the provisions of this subdivision  
16          by the individual's probation, extended supervision and parole agent. Release of  
17          records under this subdivision is limited to:

18          **SECTION 19.** 51.30 (4) (b) 10. a. of the statutes is amended to read:

19          51.30 (4) (b) 10. a. The report of an evaluation which is provided pursuant to  
20          the written probation, extended supervision and parole supervision plan.

21          **SECTION 20.** 51.30 (4) (b) 10. b. of the statutes is amended to read:

22          51.30 (4) (b) 10. b. The discharge summary, including a record or summary of  
23          all somatic treatments, at the termination of any treatment which is provided as part  
24          of the probation, extended supervision and parole supervision plan.

25          **SECTION 21.** 51.30 (4) (b) 10. d. of the statutes is amended to read:

1           51.30 (4) (b) 10. d. Any information necessary to establish, or to implement  
2 changes in, the individual's treatment plan or the level and kind of supervision on  
3 probation, extended supervision or parole, as determined by the director of the  
4 facility or the treatment director. In cases involving a person transferred back to a  
5 correctional facility, disclosure shall be made to clinical staff only. In cases involving  
6 a person on probation, extended supervision or parole, disclosure shall be made to  
7 a probation, extended supervision and parole agent only. The department shall  
8 promulgate rules governing the release of records under this subdivision.

9           **SECTION 22.** 51.37 (8) (a) of the statutes is amended to read:

10           51.37 (8) (a) Rights to reexamination under s. 51.20 (16) apply to a prisoner or  
11 inmate who is found to be mentally ill or drug dependent except that the petition  
12 shall be made to the court that made the finding or, if the prisoner or inmate is  
13 detained by transfer, to the circuit court of the county in which he or she is detained.  
14 If upon rehearing it is found that the standards for recommitment under s. 51.20 (13)  
15 (g) no longer apply to the prisoner or inmate or that he or she is not in need of  
16 psychiatric or psychological treatment, the prisoner or inmate shall be returned to  
17 the prison or county jail or house of correction unless it is past his or her release date  
18 as determined under s. 302.11 or 302.113, whichever is applicable, in which case he  
19 or she shall be discharged.

20           **SECTION 23.** 51.37 (8) (b) of the statutes is amended to read:

21           51.37 (8) (b) If the condition of any prisoner or inmate committed or transferred  
22 under this section requires psychiatric or psychological treatment after his or her  
23 date of release as determined under s. 302.11 or 302.113, whichever is applicable, the  
24 director of the state treatment facility shall, within a reasonable time before the  
25 release date of the prisoner or inmate, make a written application to the court which

1 committed the prisoner or inmate under sub. (5) (a). Thereupon, the proceeding shall  
2 be upon application made under s. 51.20, but no physician or psychologist who is  
3 connected with a state prison, Winnebago or Mendota mental health institute or any  
4 county jail or house of correction may be appointed as an examiner. If the court does  
5 not commit the prisoner or inmate, it may dismiss the application and order the  
6 prisoner or inmate returned to the institution from which he or she was transferred  
7 until the release date of the prisoner or inmate. If the court commits the prisoner or  
8 inmate for the period commencing upon his or her release date, the commitment  
9 shall be to the care and custody of the county department under s. 51.42 or 51.437.

10 **SECTION 24.** 51.37 (11) of the statutes is amended to read:

11 51.37 (11) When an individual who is in the custody of or under the supervision  
12 of a correctional officer of the department of corrections is transferred, discharged  
13 or is on unauthorized absence from a treatment facility, the probation, extended  
14 supervision and parole agent or other individual within the department of  
15 corrections who is responsible for that individual's supervision shall be notified as  
16 soon as possible by the director of the treatment facility.

17 **SECTION 25.** 106.215 (8g) (b) of the statutes is amended to read:

18 106.215 (8g) (b) If the department of corrections is a sponsor of a project that  
19 is approved under this subsection, the corps members on the project shall be  
20 prisoners in state prison, probationers ~~or~~, parolees or persons on extended  
21 supervision and the members of the project shall receive applicable alcohol or other  
22 drug abuse treatment and educational programming services for a portion of each  
23 work week, but not to exceed 8 hours per work week.

24 **SECTION 26.** 111.32 (3) of the statutes is amended to read:

1           111.32 (3) “Conviction record” includes, but is not limited to, information  
2           indicating that an individual has been convicted of any felony, misdemeanor or other  
3           offense, has been adjudicated delinquent, has been less than honorably discharged,  
4           or has been placed on probation, fined, imprisoned, placed on extended supervision  
5           or paroled pursuant to any law enforcement or military authority.

6           **SECTION 27.** 132.13 (1) (a) of the statutes is amended to read:

7           132.13 (1) (a) All goods, wares, and merchandise made wholly or in part by  
8           convict labor in any penitentiary, prison, reformatory or other establishment in  
9           which convict labor is employed except convicts or prisoners on parole, extended  
10          supervision or probation, shall before being exposed for sale be branded, labeled,  
11          marked or tagged as herein provided and shall not be exposed for sale or sold in this  
12          state without such brand, label, mark or tag. Such brand, label, mark or tag shall  
13          contain at the head or top thereof the words “convict-made” followed by the name of  
14          the penitentiary, prison, or other establishment in which it was made in plain  
15          English lettering of the style and size known as eighteen point Cheltenham bold type  
16          capitals. The brand or mark shall in all cases where the nature of the articles will  
17          permit be placed on each individual article or part of such article that is sold, and only  
18          where such branding or marking is impossible shall a label or tag be used and where  
19          a label is used it shall be securely pasted onto each such article and when a tag is used  
20          it shall be a paper tag securely fastened to such article or part of article sold. In  
21          addition to the marking of each article or part of article sold a similar brand, mark,  
22          label or tag shall be placed upon the outside or upon its box, crate, or other covering.  
23          All brands, labels, marks, and tags shall be placed on a conspicuous part of such  
24          article or part of article and its container.

25          **SECTION 28.** 165.76 (1) (a) of the statutes is amended to read:

1           165.76 (1) (a) Is in prison or a secured correctional facility, as defined in s.  
2           938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g) or on  
3           probation, extended supervision, parole, supervision or aftercare supervision on or  
4           after August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or  
5           948.025.

6           **SECTION 29.** 165.76 (1) (e) of the statutes is amended to read:

7           165.76 (1) (e) Is on parole, extended supervision or probation in this state from  
8           another state under s. 304.13 or 304.135 on or after July 9, 1996, for a violation of  
9           the law of another state that the department of corrections determines, under s.  
10          304.137, is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or  
11          948.025.

12          **SECTION 30.** 165.76 (2) (b) 1. of the statutes is amended to read:

13          165.76 (2) (b) 1. If the person has been placed on probation or supervision, he  
14          or she shall provide the specimen under par. (a) at the office of a county sheriff as soon  
15          after the placement as practicable, as directed by his or her probation, extended  
16          supervision and parole agent or, if a child, the agency providing supervision for the  
17          child.

18          **SECTION 31.** 165.76 (2) (b) 2. of the statutes is amended to read:

19          165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured  
20          correctional facility or a secured child caring institution, he or she shall provide the  
21          specimen under par. (a) at the office of a county sheriff as soon as practicable after  
22          release on parole, extended supervision or aftercare supervision, as directed by his  
23          or her probation, extended supervision and parole agent or aftercare agent, except  
24          that the department of corrections may require the person to provide the specimen

1 while he or she is in prison or in a secured correctional facility or a secured child  
2 caring institution.

3 **SECTION 32.** 165.76 (2) (b) 3m. of the statutes is amended to read:

4 165.76 (2) (b) 3m. If the person is on parole, extended supervision or probation  
5 in this state from another state under s. 304.13 or 304.135, he or she shall provide  
6 the specimen under par. (a) at the office of a county sheriff as soon as practicable after  
7 entering this state, as directed by his or her probation, extended supervision and  
8 parole agent.

9 **SECTION 33.** 165.76 (2) (b) 5. of the statutes is amended to read:

10 165.76 (2) (b) 5. Notwithstanding subds. 1. to 3., for persons who are subject  
11 to sub. (1) and who are in prison, a secured correctional facility or a secured child  
12 caring institution or on probation, extended supervision, parole, supervision or  
13 aftercare supervision on August 12, 1993, the departments of justice, corrections  
14 and health and family services shall cooperate to have these persons provide  
15 specimens under par. (a) before July 1, 1998.

16 **SECTION 34.** 165.76 (2) (b) 6. of the statutes is amended to read:

17 165.76 (2) (b) 6. Notwithstanding subd. 3m., for a person who is subject to sub.  
18 (1) (e) and who is on parole, extended supervision or probation in this state from  
19 another state on July 9, 1996, the department of justice and the department of  
20 corrections shall cooperate to have these persons provide specimens under par. (a)  
21 before July 1, 2000.

22 **SECTION 35.** 165.84 (5) of the statutes is amended to read:

23 165.84 (5) All persons in charge of law enforcement and tribal law enforcement  
24 agencies, all clerks of court, all municipal judges where they have no clerks, all  
25 persons in charge of state and county penal and correctional institutions, and all

1 persons in charge of state and county probation, extended supervision and parole  
2 offices, shall supply the department with the information described in s. 165.83 (2)  
3 (f) on the basis of the forms and instructions to be supplied by the department under  
4 s. 165.83 (2) (g).

5 **SECTION 36.** 227.03 (4) of the statutes is amended to read:

6 227.03 (4) The provisions of this chapter relating to contested cases do not  
7 apply to proceedings involving the revocation of aftercare supervision under s.  
8 48.366 (5) or 938.357 (5), the revocation of parole, extended supervision or probation,  
9 the grant of probation, prison discipline, mandatory release under s. 302.11 or any  
10 other proceeding involving the care and treatment of a resident or an inmate of a  
11 correctional institution.

12 **SECTION 37.** 230.36 (1) of the statutes is amended to read:

13 230.36 (1) If a conservation warden, conservation patrol boat captain,  
14 conservation patrol boat engineer, state forest ranger, conservation field employe of  
15 the department of natural resources who is subject to call for fire control duty,  
16 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax  
17 investigator employed by the department of revenue, special criminal investigation  
18 agent employed by the department of justice, special tax agent, state drivers' license  
19 examiner, state fair park police officer, University of Wisconsin System police officer  
20 and other state facilities police officer and patrol officer, security officer, watcher,  
21 engineer, engineering aide, building construction superintendent, fire fighter  
22 employed at the Wisconsin Veterans Home, or guard or institutional aide or a state  
23 probation, extended supervision and parole officer or any other employe whose  
24 duties include supervision and discipline of inmates or wards of the state at a state  
25 penal institution, including a secured correctional facility, as defined in s. 938.02

1 (15m), or while on parole supervision or extended supervision outside of the confines  
2 of the institutions, or supervision of persons placed on probation by a court of record,  
3 or supervision and care of patients at a state mental institution, and the University  
4 of Wisconsin Hospitals and Clinics suffers injury while in the performance of his or  
5 her duties, as defined in subs. (2) and (3); or any other state employe who is not listed  
6 in this subsection and who is ordered by his or her appointing authority to accompany  
7 any employe listed in this subsection while the listed employe is engaged in the  
8 duties defined in sub. (3), or any other state employe who is not listed in this  
9 subsection and who is ordered by his or her appointing authority to perform the  
10 duties, when permitted, in lieu of the listed employe and while so engaged in the  
11 duties defined in sub. (3), suffers injury as defined in sub. (2) the employe shall  
12 continue to be fully paid by the employing agency upon the same basis as paid prior  
13 to the injury, with no reduction in sick leave credits, compensatory time for overtime  
14 accumulations or vacation and no reduction in the rate of earning sick leave credit  
15 or vacation. The full pay shall continue while the employe is unable to return to work  
16 as the result of the injury or until the termination of his or her employment upon  
17 recommendation of the appointing authority. At any time during the employe's  
18 period of disability the appointing authority may order physical or medical  
19 examinations to determine the degree of disability at the expense of the employing  
20 agency.

21 **SECTION 38.** 230.36 (3) (c) (intro.) of the statutes is amended to read:

22 230.36 **(3)** (c) (intro.) A guard, institution aide, or other employe at the  
23 University of Wisconsin Hospitals and Clinics or at a state penal or mental  
24 institution, including a secured correctional facility, as defined in s. 938.02 (15m),  
25 and a state probation, extended supervision and parole officer, at all times while:

1           **SECTION 39.** 230.36 (3) (c) 2. of the statutes is amended to read:

2           230.36 (3) (c) 2. In the process of restraining patients, inmates, probationers  
3           or, parolees or persons on extended supervision and apprehending runaways or  
4           escapees, including probationers and, parolees and persons on extended supervision;

5           **SECTION 40.** 230.36 (3) (c) 3. of the statutes is amended to read:

6           230.36 (3) (c) 3. When injury is occasioned as the result of an act by a patient,  
7           inmate, probationer or, parolee or person on extended supervision;

8           **SECTION 41.** 301.03 (2r) of the statutes is amended to read:

9           301.03 (2r) Conduct drug testing of prospective parolees or persons to be placed  
10           on extended supervision who have undergone treatment while in state prison.

11           **SECTION 42.** 301.03 (3) of the statutes is amended to read:

12           301.03 (3) Administer parole, extended supervision and probation matters,  
13           except that the decision to grant or deny parole to inmates shall be made by the parole  
14           commission and the decision to revoke probation, extended supervision or parole in  
15           cases in which there is no waiver of the right to a hearing shall be made by the  
16           division of hearings and appeals in the department of administration. The secretary  
17           may grant special action parole releases under s. 304.02. The department shall  
18           promulgate rules establishing a drug testing program for probationers and, parolees  
19           and persons placed on extended supervision. The rules shall provide for assessment  
20           of fees upon probationers and, parolees and persons placed on extended supervision  
21           to partially offset the costs of the program.

22           **SECTION 43.** 301.03 (3g) of the statutes is amended to read:

23           301.03 (3g) Provide treatment for alcoholics and intoxicated persons on parole  
24           or extended supervision.

25           **SECTION 44.** 301.03 (13) of the statutes is created to read:

1           301.03 (13) On or before August 1 of each even-numbered year, provide to the  
2 department of health and family services an estimate of the total proposed budget  
3 that the department of corrections will submit in its biennial budget request under  
4 s. 16.42.

5           **SECTION 45.** 301.046 (3) (intro.) of the statutes is amended to read:

6           301.046 (3) ELIGIBILITY. (intro.) The department shall determine those  
7 prisoners who are confined under sub. (1). Except as provided in ~~sub.~~ subs. (3m) and  
8 (3t), a prisoner is eligible for this confinement only under all of the following  
9 conditions:

10          **SECTION 46.** 301.046 (3t) of the statutes is created to read:

11          301.046 (3t) PERSONS SERVING BIFURCATED SENTENCE; RESTRICTED ELIGIBILITY. A  
12 prisoner serving a bifurcated sentence imposed under s. 973.01 is not eligible for  
13 confinement under sub. (1) during the term of confinement in prison portion of the  
14 bifurcated sentence.

15          **SECTION 47.** 301.048 (1) (a) of the statutes is amended to read:

16          301.048 (1) (a) Punishment that is less costly than ordinary imprisonment and  
17 more restrictive than ordinary probation or parole supervision or extended  
18 supervision.

19          **SECTION 48.** 301.048 (2) (b) of the statutes is amended to read:

20          301.048 (2) (b) He or she is a prisoner serving a felony sentence not punishable  
21 by life imprisonment and the department directs him or her to participate in the  
22 program. This paragraph does not apply to a prisoner serving a bifurcated sentence  
23 imposed under s. 973.01.

24          **SECTION 49.** 301.048 (2) (cm) of the statutes is created to read:

1           301.048 (2) (cm) A court or the department requires his or her participation in  
2 the program as a condition of extended supervision under s. 302.113 (7) or 302.114  
3 (5) (d) or (8) or 973.01 (5).

4           **SECTION 50.** 301.048 (2) (d) of the statutes is amended to read:

5           301.048 (2) (d) The department and the person agree to his or her participation  
6 in the program as an alternative to revocation of probation, extended supervision or  
7 parole.

8           **SECTION 51.** 301.048 (2m) of the statutes is created to read:

9           301.048 (2m) PERSONS SERVING BIFURCATED SENTENCE; RESTRICTED ELIGIBILITY.  
10 A prisoner serving a bifurcated sentence imposed under s. 973.01 is not eligible for  
11 the intensive sanctions program during the term of confinement in prison portion of  
12 the bifurcated sentence.

13           **SECTION 52.** 301.048 (4) (a) of the statutes is amended to read:

14           301.048 (4) (a) A participant is in the custody and under the control of the  
15 department, subject to its rules and discipline. A participant entering the program  
16 under sub. (2) (a) or (b) is a prisoner. A participant entering the program under sub.  
17 (2) (c) is a prisoner, except that he or she is a parolee for purposes of revocation. A  
18 participant entering the program under sub. (2) (cm) is a prisoner, except that he or  
19 she remains a person on extended supervision for purposes of revocation. A  
20 participant entering the program under sub. (2) (d) is a prisoner, except that he or  
21 she remains a probationer or, parolee or person on extended supervision, whichever  
22 is applicable, for purposes of revocation.

23           **SECTION 53.** 301.048 (4) (am) of the statutes is amended to read:

24           301.048 (4) (am) A participant who is a parolee for purposes of revocation is  
25 subject to revocation for violation of any condition of parole or any rule or condition

1 applicable because he or she is a program participant. A participant who is a person  
2 on extended supervision for purposes of revocation is subject to revocation for  
3 violation of any condition of extended supervision or any rule or condition applicable  
4 because he or she is a program participant. A participant who is a probationer for  
5 purposes of revocation is subject to revocation for violation of any condition of  
6 probation or any rule or condition applicable because he or she is a program  
7 participant.

8 **SECTION 54.** 301.048 (4m) (b) (intro.) of the statutes is amended to read:

9 301.048 (4m) (b) (intro.) As soon as possible after a prisoner, probationer ~~or,~~  
10 parolee or person on extended supervision who has violated s. 940.03, 940.05,  
11 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07 enters the intensive  
12 sanctions program, the department shall make a reasonable effort to notify all of the  
13 following persons, if they can be found, in accordance with par. (c) and after receiving  
14 a completed card under par. (d):

15 **SECTION 55.** 301.048 (4m) (b) 1. of the statutes is amended to read:

16 301.048 (4m) (b) 1. The victim of the crime committed by the prisoner,  
17 probationer ~~or,~~ parolee or person on extended supervision or, if the victim died as a  
18 result of the crime, an adult member of the victim's family or, if the victim is younger  
19 than 18 years old, the victim's parent or legal guardian.

20 **SECTION 56.** 301.048 (4m) (b) 2. of the statutes is amended to read:

21 301.048 (4m) (b) 2. Any witness who testified against the prisoner, probationer  
22 ~~or,~~ parolee or person on extended supervision in any court proceeding involving the  
23 offense.

24 **SECTION 57.** 301.048 (6) of the statutes is renumbered 301.048 (6) (a) and  
25 amended to read:

1           301.048 (6) (a) The Except as provided in par. (b), the department may  
2 discharge a participant from participation in the program and from departmental  
3 custody and control at any time.

4           **SECTION 58.** 301.048 (6) (b) of the statutes is created to read:

5           301.048 (6) (b) The department may discharge a participant who is on extended  
6 supervision under s. 302.113 from participation in the program at any time, but the  
7 person remains under departmental supervision under the terms of the person's  
8 bifurcated sentence imposed under s. 973.01 until the end of that sentence.

9           **SECTION 59.** 301.049 (2) (a) 2. of the statutes is amended to read:

10           301.049 (2) (a) 2. On probation, extended supervision or parole and who, if  
11 approved by the department under par. (b), would participate in the program as an  
12 alternative to revocation of probation, extended supervision or parole.

13           **SECTION 60.** 301.049 (3) (e) of the statutes is amended to read:

14           301.049 (3) (e) Prepare each mother to be able to live in a safe, lawful and stable  
15 manner in the community upon parole, extended supervision or discharge.

16           **SECTION 61.** 301.08 (1) (c) 1. a. of the statutes is amended to read:

17           301.08 (1) (c) 1. a. "Administrative supervision" means the supervision of a  
18 probationer or, parolee or person on extended supervision in which the department  
19 requires that a minimum of one face-to-face contact occur every 6 months between  
20 the probationer or, parolee or person on extended supervision and a representative  
21 of the department and that the probationer or, parolee or person on extended  
22 supervision submit a monthly report to the department.

23           **SECTION 62.** 301.08 (1) (c) 1. b. of the statutes is amended to read:

24           301.08 (1) (c) 1. b. "Minimum supervision" means the supervision of a  
25 probationer or, parolee or person on extended supervision in which the department

1 requires that a minimum of one face-to-face contact occur every 90 days between the  
2 probationer ~~or~~, parolee or person on extended supervision and a representative of the  
3 department and that the probationer ~~or~~, parolee or person on extended supervision  
4 submit a monthly report to the department.

5 **SECTION 63.** 301.08 (1) (c) 2. of the statutes is amended to read:

6 301.08 (1) (c) 2. Beginning on January 1, 1996, the department may contract  
7 with public, private or voluntary vendors for the supervision of probationers ~~and~~,  
8 parolees and persons on extended supervision who are under minimum supervision  
9 or administrative supervision. The contract shall authorize any such vendor to  
10 charge a fee to probationers ~~and~~, parolees and persons on extended supervision  
11 sufficient to cover the cost of supervision and administration of the contract. If the  
12 department collects any moneys from a vendor under the contract, the department  
13 shall credit those moneys to the appropriation account under s. 20.410 (1) (ge). The  
14 department shall promulgate rules for fees, collections, reporting and verification  
15 regarding probationers ~~and~~, parolees and persons on extended supervision  
16 supervised by the vendor.

17 **SECTION 64.** 301.132 (2) of the statutes is amended to read:

18 301.132 (2) The department may require, as a condition of probation ~~or~~, parole  
19 or extended supervision, that a probationer ~~or~~, parolee or person on extended  
20 supervision who is a sex offender submit to a lie detector test when directed to do so  
21 by the department.

22 **SECTION 65.** 301.132 (3) of the statutes is amended to read:

23 301.132 (3) The department shall promulgate rules establishing a lie detector  
24 test program for probationers ~~and~~, parolees and persons on extended supervision  
25 who are sex offenders. The rules shall provide for assessment of fees upon

1 probationers and, parolees and persons on extended supervision to partially offset  
2 the costs of the program.

3 **SECTION 66.** 301.21 (1) (h) of the statutes is amended to read:

4 301.21 (1) (h) Provisions concerning procedures for probation, parole, extended  
5 supervision and discharge.

6 **SECTION 67.** 301.32 (3) (a) of the statutes is amended to read:

7 301.32 (3) (a) All money or other property paid or delivered to a probation,  
8 extended supervision and parole agent or other employe of the department by or for  
9 the benefit of any person on probation, extended supervision or parole shall be  
10 immediately transmitted to the department and it shall enter the same upon its  
11 books to his or her credit. The property shall be used only under the direction of the  
12 department.

13 **SECTION 68.** 301.32 (3) (b) of the statutes is amended to read:

14 301.32 (3) (b) If the person on probation, extended supervision or parole  
15 absconds, the money shall be credited to the revolving fund created by s. 304.075; and  
16 other property if not called for within one year shall be sold by the department and  
17 the proceeds shall be credited to the fund.

18 **SECTION 69.** 301.35 (2) (bm) of the statutes is created to read:

19 301.35 (2) (bm) A person on extended supervision.

20 **SECTION 70.** 301.38 (1) (am) of the statutes is amended to read:

21 301.38 (1) (am) "Prisoner" has the meaning given in s. 301.01 (2), but does not  
22 include any person in the intensive sanctions program under s. 301.048 or any person  
23 who is imprisoned as an alternative to the revocation of probation, extended  
24 supervision or parole.

1           **SECTION 71.** 301.45 (1) (b) of the statutes, as affected by 1995 Wisconsin Act  
2 440, is amended to read:

3           301.45 (1) (b) Is in prison, a secured correctional facility, as defined in s. 938.02  
4 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or on  
5 probation, extended supervision, parole, supervision or aftercare supervision on or  
6 after December 25, 1993, for any violation, or for the solicitation, conspiracy or  
7 attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02  
8 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s.  
9 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent.

10           **SECTION 72.** 301.45 (1) (bm) of the statutes, as created by 1995 Wisconsin Act  
11 440, is amended to read:

12           301.45 (1) (bm) Is in prison, a secured correctional facility, as defined in s.  
13 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or  
14 on probation, extended supervision, parole, supervision or aftercare supervision on  
15 or after December 25, 1993, for a violation, or for the solicitation, conspiracy or  
16 attempt to commit a violation, of a law of this state that is comparable to s. 940.22  
17 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,  
18 948.07, 948.08, 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or  
19 940.31 if the victim was a minor and the person was not the victim's parent.

20           **SECTION 73.** 301.45 (1) (dh) of the statutes, as created by 1995 Wisconsin Act  
21 440, is amended to read:

22           301.45 (1) (dh) Is on parole, extended supervision or probation in this state  
23 from another state under s. 304.13 or 304.135 on or after December 25, 1993, for a  
24 violation, or for the solicitation, conspiracy or attempt to commit a violation, of the  
25 law of another state that is comparable to a violation of s. 940.22 (2), 940.225 (1), (2)

1 or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08,  
2 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or 940.31 if the victim  
3 was a minor and the person was not the victim's parent.

4 **SECTION 74.** 301.45 (2) (a) 4. b. of the statutes, as created by 1995 Wisconsin  
5 Act 440, is amended to read:

6 301.45 (2) (a) 4. b. The date the person was or is to be released from  
7 confinement, whether on parole, extended supervision or otherwise, or discharged  
8 or terminated from a sentence or commitment.

9 **SECTION 75.** 301.45 (2) (e) 1. of the statutes, as created by 1995 Wisconsin Act  
10 440, is amended to read:

11 301.45 (2) (e) 1. Within 10 days after the person being placed on parole,  
12 extended supervision, probation, supervision, aftercare supervision, conditional  
13 release or supervised release.

14 **SECTION 76.** 301.45 (2) (e) 2. of the statutes, as created by 1995 Wisconsin Act  
15 440, is amended to read:

16 301.45 (2) (e) 2. If the person is on parole, extended supervision or probation  
17 from another state under s. 304.13 or 304.135, within 10 days after the person enters  
18 this state.

19 **SECTION 77.** 301.45 (3) (a) 1m. of the statutes, as created by 1995 Wisconsin Act  
20 440, is amended to read:

21 301.45 (3) (a) 1m. If the person is on parole, extended supervision or probation  
22 from another state under s. 304.13 or 304.135, he or she is subject to this subsection  
23 upon entering this state.

24 **SECTION 78.** 301.45 (3) (a) 2. of the statutes, as affected by 1995 Wisconsin Act  
25 440, is amended to read:

1           301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured  
2           correctional facility or a secured child caring institution, he or she is subject to this  
3           subsection upon being released on parole, extended supervision or aftercare  
4           supervision.

5           **SECTION 79.** 301.45 (3) (b) 2. of the statutes, as affected by 1995 Wisconsin Act  
6           440, is amended to read:

7           301.45 (3) (b) 2. The department shall notify a person who is being released  
8           from prison because he or she has reached the expiration date of his or her sentence  
9           and who is covered under sub. (1) of the need to comply with this section. Also,  
10          probation, extended supervision and parole agents, aftercare agents and agencies  
11          providing supervision shall notify any client who is covered under sub. (1) of the need  
12          to comply with this section at the time the client is placed on probation, extended  
13          supervision, parole, supervision or aftercare supervision or, if the client is on  
14          probation, extended supervision or parole from another state under s. 304.13 or  
15          304.135, when the client enters this state.

16          **SECTION 80.** 301.45 (3) (b) 4. of the statutes, as affected by 1995 Wisconsin Act  
17          440, is amended to read:

18          301.45 (3) (b) 4. Failure to receive notice under this paragraph from the  
19          department of health and family services, the department of corrections, a probation,  
20          extended supervision and parole agent, an aftercare agent or an agency providing  
21          supervision is not a defense to liability under sub. (6).

22          **SECTION 81.** 301.45 (5) (a) 1m. of the statutes, as created by 1995 Wisconsin Act  
23          440, is amended to read:

1           301.45 (5) (a) 1m. If the person is on parole, extended supervision or probation  
2 from another state under s. 304.13 or 304.135, 15 years after discharge from that  
3 parole, extended supervision or probation.

4           **SECTION 82.** 301.46 (2) (b) 4. b. of the statutes, as created by 1995 Wisconsin  
5 Act 440, is amended to read:

6           301.46 (2) (b) 4. b. The date the person was released from confinement, whether  
7 on parole, extended supervision or otherwise, or discharged or terminated from a  
8 sentence or commitment.

9           **SECTION 83.** 302.045 (1) of the statutes is amended to read:

10          302.045 (1) PROGRAM. The department shall provide a challenge incarceration  
11 program for inmates selected to participate under sub. (2). The program shall  
12 provide participants with strenuous physical exercise, manual labor, personal  
13 development counseling, substance abuse treatment and education, military drill  
14 and ceremony and counseling in preparation for release on parole or extended  
15 supervision. The department shall design the program to include not less than 50  
16 participants at a time and so that a participant may complete the program in not  
17 more than 180 days. The department may restrict participant privileges as  
18 necessary to maintain discipline.

19          **SECTION 84.** 302.045 (2) (cm) of the statutes is created to read:

20          302.045 (2) (cm) If the inmate is serving a bifurcated sentence imposed under  
21 s. 973.01, the sentencing court decided under s. 973.01 (3m) that the inmate is  
22 eligible for the challenge incarceration program.

23          **SECTION 85.** 302.045 (3) of the statutes is amended to read:

24          302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department  
25 determines that an inmate has successfully completed the challenge incarceration

1 program, the parole commission shall parole the inmate under s. 304.06, regardless  
2 of the time the inmate has served, unless the person is serving a sentence imposed  
3 under s. 973.01. When the parole commission grants parole under this subsection,  
4 it must require the parolee to participate in an intensive supervision program for  
5 drug abusers as a condition of parole.

6 **SECTION 86.** 302.045 (3m) of the statutes is created to read:

7 302.045 (3m) RELEASE TO EXTENDED SUPERVISION. (a) Except as provided in sub.  
8 (4), if the department determines that an inmate serving the term of confinement in  
9 prison portion of a bifurcated sentence imposed under s. 973.01 has successfully  
10 completed the challenge incarceration program, the department shall inform the  
11 court that sentenced the inmate.

12 (b) Upon being informed by the department under par. (a) that an inmate whom  
13 the court sentenced under s. 973.01 has successfully completed the challenge  
14 incarceration program, the court shall modify the inmate's bifurcated sentence as  
15 follows:

16 1. The court shall reduce the term of confinement in prison portion of the  
17 inmate's bifurcated sentence in a manner that provides for the release of the inmate  
18 to extended supervision within 30 days of the date on which the court receives the  
19 information from the department under par. (a).

20 2. The court shall lengthen the term of extended supervision imposed so that  
21 the total length of the bifurcated sentence originally imposed does not change.

22 (c) The court may not increase the total length of the bifurcated sentence when  
23 modifying a bifurcated sentence under par. (b).

24 **SECTION 87.** 302.045 (4) of the statutes is amended to read:

1           302.045 (4) INTENSIVE SANCTIONS PROGRAM PARTICIPANTS. The department may  
2 place any intensive sanctions program participant in the challenge incarceration  
3 program. The participant is not subject to subs. (2) and, (3) and (3m).

4           **SECTION 88.** 302.11 (1) of the statutes is amended to read:

5           302.11 (1) The warden or superintendent shall keep a record of the conduct of  
6 each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),  
7 (1m), (1z), (7) and (10), each inmate is entitled to mandatory release on parole by the  
8 department. The mandatory release date is established at two-thirds of the  
9 sentence. Any calculations under this subsection or sub. (2) (b) resulting in fractions  
10 of a day shall be rounded in the inmate's favor to a whole day.

11           **SECTION 89.** 302.11 (1g) (am) of the statutes is amended to read:

12           302.11 (1g) (am) The mandatory release date established in sub. (1) is a  
13 presumptive mandatory release date for an inmate who is serving a sentence for a  
14 serious felony committed on or after April 21, 1994, but before July 1, 1999.

15           **SECTION 90.** 302.11 (1i) of the statutes is amended to read:

16           302.11 (1i) ~~An~~ Except as provided in sub. (1z), an inmate serving a sentence to  
17 the intensive sanctions program is entitled to mandatory release. The mandatory  
18 release date under sub. (1) is established at two-thirds of the sentence under s.  
19 973.032 (3) (a).

20           **SECTION 91.** 302.11 (1p) of the statutes is amended to read:

21           302.11 (1p) An inmate serving a term subject to s. 961.49 (2) for a crime  
22 committed before July 1, 1999, is entitled to mandatory release, except the inmate  
23 may not be released before he or she has complied with s. 961.49 (2).

24           **SECTION 92.** 302.11 (1z) of the statutes is created to read:

1           302.11 **(1z)** An inmate who is sentenced to a term of confinement in prison  
2 under s. 973.01 for a felony that is committed on or after July 1, 1999, is not entitled  
3 to mandatory release on parole under this section.

4           **SECTION 93.** 302.11 (6) of the statutes is amended to read:

5           302.11 **(6)** Any inmate released on parole under sub. (1) or (1g) (b) or s. 304.02  
6 or 304.06 (1) is subject to all conditions and rules of parole until the expiration of the  
7 sentence or until he or she is discharged by the department. Except as provided in  
8 ch. 304, releases from prison shall be on the Tuesday or Wednesday preceding the  
9 release date. The department may discharge a parolee on or after his or her  
10 mandatory release date or after 2 years of supervision. Any inmate sentenced to the  
11 intensive sanctions program who is released on parole under sub. (1) or s. 304.02 or  
12 304.06 (1) remains in the program unless discharged by the department under s.  
13 301.048 (6) (a).

14           **SECTION 94.** 302.11 (9) of the statutes is amended to read:

15           302.11 **(9)** Except as provided in sub. subs. (1g) (am) and (1z), this section  
16 applies to persons committing offenses occurring on or after June 1, 1984, or persons  
17 filing requests in accordance with 1983 Wisconsin Act 528, section 29 (2) or (3).

18           **SECTION 95.** 302.113 of the statutes is created to read:

19           **302.113 Release to extended supervision for felony offenders not**  
20 **servng life sentences.** (1) An inmate is subject to this section if he or she is  
21 serving a bifurcated sentence imposed under s. 973.01.

22           **(2)** Except as provided in subs. (3) and (9), an inmate subject to this section is  
23 entitled to release to extended supervision after he or she has served the term of  
24 confinement in prison portion of the sentence imposed under s. 973.01, as modified  
25 by the sentencing court under s. 302.045 (3m) (b) 1., if applicable.

1           **(3)** (a) The warden or superintendent shall keep a record of the conduct of each  
2 inmate subject to this section, specifying each infraction of the rules. If an inmate  
3 subject to this section violates any regulation of the prison or refuses or neglects to  
4 perform required or assigned duties, the department may extend the term of  
5 confinement in prison portion of the inmate's bifurcated sentence as follows:

6           1. 10 days for the first offense.

7           2. 20 days for the 2nd offense.

8           3. 40 days for the 3rd or each subsequent offense.

9           (b) In addition to the sanctions under par. (a), if an inmate subject to this section  
10 is placed in adjustment, program or controlled segregation status, the department  
11 may extend his or her term of confinement in prison portion of the bifurcated  
12 sentence by a number of days equal to 50% of the number of days spent in segregation  
13 status. In administering this paragraph, the department shall use the definition of  
14 adjustment, program or controlled segregation status under departmental rules in  
15 effect at the time an inmate is placed in that status.

16           (c) No extension of a term of confinement in prison under this subsection may  
17 require an inmate to serve more days in prison than the total length of the bifurcated  
18 sentence imposed under s. 973.01.

19           (d) If the term of confinement in prison portion of a bifurcated sentence is  
20 increased under this subsection, the term of extended supervision is reduced so that  
21 the total length of the bifurcated sentence does not change.

22           **(4)** All consecutive sentences shall be computed as one continuous sentence.  
23 The person shall serve any term of extended supervision after serving all terms of  
24 confinement in prison.

1           **(5)** An inmate may waive entitlement to release to extended supervision if the  
2 department agrees to the waiver.

3           **(6)** Before a person is released to extended supervision under this section, the  
4 department shall notify the municipal police department and the county sheriff for  
5 the area where the person will be residing. The notification requirement does not  
6 apply if a municipal department or county sheriff submits to the department a  
7 written statement waiving the right to be notified. If applicable, the department  
8 shall also comply with s. 304.063.

9           **(7)** Any inmate released to extended supervision under this section is subject  
10 to all conditions and rules of extended supervision until the expiration of the term  
11 of extended supervision portion of the bifurcated sentence. The department may set  
12 conditions of extended supervision in addition to any conditions of extended  
13 supervision set by the court under s. 973.01 (5) if the conditions set by the department  
14 do not conflict with the court's conditions.

15           **(8)** Releases to extended supervision from prison shall be on the Tuesday or  
16 Wednesday preceding the date on which he or she completes the term of  
17 imprisonment.

18           **(9)** (a) If a person released to extended supervision under this section violates  
19 a condition of extended supervision, the division of hearings and appeals in the  
20 department of administration, upon proper notice and hearing, or the department  
21 of corrections, if the person on extended supervision waives a hearing, may revoke  
22 the extended supervision of the person and return the person to prison. If the person  
23 is returned to prison, he or she shall be returned to prison for any specified period  
24 of time that does not exceed the time remaining on the bifurcated sentence. The time  
25 remaining on the bifurcated sentence is the total length of the bifurcated sentence,

1 less time served by the person in custody before release to extended supervision. The  
2 revocation order shall provide the person on extended supervision with credit in  
3 accordance with ss. 304.072 and 973.155.

4 (b) A person who is returned to prison after revocation of extended supervision  
5 shall be incarcerated for the entire period of time specified by the department of  
6 corrections in the case of a waiver or by the division of hearings and appeals in the  
7 department of administration in the case of a hearing under par. (a). The period of  
8 time specified under par. (a) may be extended in accordance with sub. (3).

9 (c) A person who is subsequently released to extended supervision after service  
10 of the period of time specified by the department of corrections in the case of a waiver  
11 or by the division of hearings and appeals in the department of administration in the  
12 case of a hearing under par. (a) is subject to all conditions and rules under sub. (7)  
13 until the expiration of the term of extended supervision portion of the bifurcated  
14 sentence.

15 (10) The department may promulgate rules establishing guidelines and  
16 criteria for the exercise of discretion under this section.

17 **SECTION 96.** 302.114 of the statutes is created to read:

18 **302.114 Petition for release and release to extended supervision for**  
19 **felony offenders serving life sentences. (1)** An inmate is subject to this section  
20 if he or she is serving a life sentence imposed under s. 973.014 (1g) (a) 1. or 2. An  
21 inmate serving a life sentence under s. 939.62 (2m) or 973.014 (1g) (a) 3. is not eligible  
22 for release to extended supervision under this section.

23 (2) Except as provided in subs. (3) and (9), an inmate subject to this section may  
24 petition the sentencing court for release to extended supervision after he or she has  
25 served 20 years, if the inmate was sentenced under s. 973.014 (1g) (a) 1., or after he

1 or she has reached the extended supervision eligibility date set by the court, if the  
2 inmate was sentenced under s. 973.014 (1g) (a) 2.

3 **(3)** (a) The warden or superintendent shall keep a record of the conduct of each  
4 inmate subject to this section, specifying each infraction of the rules. If any inmate  
5 subject to this section violates any regulation of the prison or refuses or neglects to  
6 perform required or assigned duties, the department may extend the extended  
7 supervision eligibility date set under s. 973.014 (1g) (a) 1. or 2., whichever is  
8 applicable, as follows:

9 1. 10 days for the first offense.

10 2. 20 days for the 2nd offense.

11 3. 40 days for the 3rd or each subsequent offense.

12 (b) In addition to the sanctions under par. (a), if an inmate subject to this section  
13 is placed in adjustment, program or controlled segregation status, the department  
14 may extend the extended supervision eligibility date set under s. 973.014 (1g) (a) 1.  
15 or 2., whichever is applicable, by a number of days equal to 50% of the number of days  
16 spent in segregation status. In administering this paragraph, the department shall  
17 use the definition of adjustment, program or controlled segregation status under  
18 departmental rules in effect at the time an inmate is placed in that status.

19 **(4)** All consecutive sentences shall be computed as one continuous sentence.  
20 An inmate subject to this section shall serve any term of extended supervision after  
21 serving all terms of confinement in prison.

22 **(5)** (a) An inmate subject to this section who is seeking release to extended  
23 supervision shall file a petition for release to extended supervision with the court  
24 that sentenced him or her. An inmate may not file an initial petition under this  
25 paragraph earlier than 90 days before his or her extended supervision eligibility

1 date. If an inmate files an initial petition for release to extended supervision at any  
2 time earlier than 90 days before his or her extended supervision eligibility date, the  
3 court shall deny the petition without a hearing.

4 (am) The inmate shall serve a copy of a petition for release to extended  
5 supervision on the district attorney's office that prosecuted him or her, and the  
6 district attorney shall file a written response to the petition within 45 days after the  
7 date he or she receives the petition.

8 (b) After reviewing a petition for release to extended supervision and the  
9 district attorney's response to the petition, the court shall decide whether to hold a  
10 hearing on the petition or, if it does not hold a hearing, whether to grant or deny the  
11 petition without a hearing. If the court decides to hold a hearing under this  
12 paragraph, the hearing shall be before the court without a jury. The office of the  
13 district attorney that prosecuted the inmate shall represent the state at the hearing.

14 (c) Before deciding whether to grant or deny the inmate's petition, the court  
15 shall allow a victim or family member of a homicide victim to make a statement or  
16 submit a statement concerning the release of the inmate to extended supervision.  
17 The court may allow any other person to make or submit a statement under this  
18 paragraph. Any statement under this paragraph must be relevant to the release of  
19 the inmate to extended supervision.

20 (cm) A court may not grant an inmate's petition for release to extended  
21 supervision unless the inmate proves, by clear and convincing evidence, that he or  
22 she is not a danger to the public.

23 (d) If the court grants the inmate's petition for release to extended supervision,  
24 the court may impose conditions on the term of extended supervision.

1 (e) If the court denies the inmate's petition for release to extended supervision,  
2 the court shall specify the date on which the inmate may file a subsequent petition  
3 under this section. An inmate may file a subsequent petition at any time on or after  
4 the date specified by the court, but if the inmate files a subsequent petition for release  
5 to extended supervision before the date specified by the court, the court may deny  
6 the petition without a hearing.

7 (f) An inmate may appeal an order denying his or her petition for release to  
8 extended supervision. In an appeal under this paragraph, the appellate court shall  
9 determine whether the court properly exercised its discretion in denying the petition  
10 for release to extended supervision.

11 **(6)** (a) In this subsection:

12 1. "Member of the family" means spouse, child, sibling, parent or legal  
13 guardian.

14 2. "Victim" means a person against whom a crime has been committed.

15 (b) If an inmate petitions a court under sub. (5) or (9) (bm) for release to  
16 extended supervision under this section, the clerk of the circuit court in which the  
17 petition is filed shall send a copy of the petition and, if a hearing is scheduled, a notice  
18 of hearing to the victim of the crime committed by the inmate or, if the victim died  
19 as a result of the crime, an adult member of the victim's family or, if the victim is  
20 younger than 18 years old, the victim's parent or legal guardian, if the victim, adult  
21 family member or parent or legal guardian has submitted a card under par. (e)  
22 requesting notification.

23 (c) The notice under par. (b) shall inform the persons under par. (b) that they  
24 may appear at the hearing under sub. (5) or (9) (bm), if a hearing is scheduled, and

1 shall inform them of the manner in which they may provide written statements  
2 concerning the inmate's petition for release to extended supervision.

3 (d) The clerk of the circuit court shall make a reasonable effort to send a copy  
4 of the inmate's petition to the last-known address of the persons under par. (b) within  
5 7 days of the date on which the petition is filed and shall make a reasonable effort  
6 to send the notice of hearing, if a hearing is scheduled, to the last-known address of  
7 the persons under par. (b), postmarked at least 10 days before the date of the hearing.

8 (e) The director of state courts shall design and prepare cards for a person  
9 specified under par. (b) to send to the clerk of the circuit court in which the inmate  
10 is convicted and sentenced. The cards shall have space for any such person to provide  
11 his or her name and address, the name of the applicable inmate and any other  
12 information the director of state courts determines is necessary. The director of state  
13 courts shall provide the cards, without charge, to clerks of circuit court. Clerks of  
14 circuit court shall provide the cards, without charge, to persons specified in par. (b).  
15 These persons may send completed cards to the clerk of the circuit court in which the  
16 inmate was convicted and sentenced. All court records or portions of records that  
17 relate to mailing addresses of these persons are not subject to inspection or copying  
18 under s. 19.35 (1).

19 (7) Before a person is released to extended supervision under this section, the  
20 department shall notify the municipal police department and the county sheriff for  
21 the area where the person will be residing. The notification requirement does not  
22 apply if a municipal department or county sheriff submits to the department a  
23 written statement waiving the right to be notified. If applicable, the department  
24 shall also comply with s. 304.063.

1           **(8)** Any inmate released to extended supervision under this section is subject  
2 to all conditions and rules of extended supervision. The department may set  
3 conditions of extended supervision in addition to any conditions of extended  
4 supervision set by the court under sub. (5) (d) if the conditions set by the department  
5 do not conflict with the court's conditions.

6           **(9)** (a) If a person released to extended supervision under this section violates  
7 a condition of extended supervision, the division of hearings and appeals in the  
8 department of administration, upon proper notice and hearing, or the department  
9 of corrections, if the person on extended supervision waives a hearing, may revoke  
10 the extended supervision of the person and return the person to prison. If the person  
11 is returned to prison, he or she shall be returned to prison for a specified period of  
12 time, as provided under par. (b).

13           (b) If a person is returned to prison under par. (a) after revocation of extended  
14 supervision, the department of corrections in the case of a waiver or the division of  
15 hearings and appeals in the department of administration in the case of a hearing  
16 under par. (a) shall specify a period of time for which the person shall be incarcerated  
17 before being eligible for release to extended supervision. The period of time specified  
18 under this paragraph may not be less than 5 years and may be extended in  
19 accordance with sub. (3).

20           (bm) A person who is returned to prison under par. (a) after revocation of  
21 extended supervision may, upon petition to the sentencing court, be released to  
22 extended supervision after he or she has served the entire period of time specified  
23 in par. (b), including any periods of extension imposed under sub. (3). A person may  
24 not file a petition under this paragraph earlier than 90 days before the date on which  
25 he or she is eligible to be released to extended supervision. If a person files a petition

1 for release to extended supervision under this paragraph at any time earlier than 90  
2 days before the date on which he or she is eligible to be released to extended  
3 supervision, the court shall deny the petition without a hearing. The procedures  
4 specified in sub. (5) (am) to (f) apply to a petition filed under this paragraph.

5 (c) A person who is released to extended supervision after filing a petition under  
6 par. (bm) is subject to all conditions and rules under sub. (8) until the expiration of  
7 the sentence.

8 (10) The department may promulgate rules establishing guidelines and  
9 criteria for the exercise of discretion under this section.

10 **SECTION 97.** 302.14 of the statutes is amended to read:

11 **302.14 (title) Property of deceased inmates, parolees ~~or~~, probationers**  
12 **or persons on extended supervision, disposition.** When an inmate of a prison  
13 ~~or~~, a parolee of an institution, a person on extended supervision or a person on  
14 probation to the department dies leaving an estate of \$150 or less in the trust of the  
15 warden, superintendent or secretary, the warden, superintendent or secretary shall  
16 try to determine whether or not the estate is to be probated. If probate proceedings  
17 are not commenced within 90 days, the warden, superintendent or secretary shall  
18 turn over the money or securities to the nearest of kin as evidenced by the records  
19 of the institution and the department.

20 **SECTION 98.** 302.17 (2) of the statutes is amended to read:

21 302.17 (2) The department shall make entries on the register to reflect the  
22 progress made by each inmate while incarcerated and the inmate's release on parole  
23 or extended supervision, condition at the time of release on parole or extended  
24 supervision and progress made while on parole or extended supervision. This  
25 subsection does not apply to inmates subject to an order under s. 48.366.

1           **SECTION 99.** 302.25 (4) (c) of the statutes is amended to read:

2           302.25 (4) (c) Inmates confined in an institution pursuant to the terms of this  
3 compact shall at all times be subject to the jurisdiction of the sending state and may  
4 at any time be removed therefrom for transfer to a prison or other institution within  
5 the sending state, for transfer to another institution in which the sending state may  
6 have a contractual or other right to confine inmates, for release on probation,  
7 extended supervision or parole, for discharge, or for any other purpose permitted by  
8 the laws of the sending state; provided, that the sending state shall continue to be  
9 obligated to such payments as may be required pursuant to the terms of any contract  
10 entered into under the terms of sub. (3).

11           **SECTION 100.** 302.33 (2) (a) (intro.) of the statutes is amended to read:

12           302.33 (2) (a) (intro.) The department shall pay for the maintenance of persons  
13 in its custody who are placed in the county jail or other county facility, or in a tribal  
14 jail under s. 302.445, pending disposition of parole, extended supervision or  
15 probation revocation proceedings subject to the following conditions:

16           **SECTION 101.** 302.33 (2) (b) of the statutes is amended to read:

17           302.33 (2) (b) This subsection applies only to probationers ~~or~~, parolees or  
18 persons on extended supervision who were placed on that status in connection with  
19 a conviction for a felony. This subsection applies only to confinements initiated after  
20 July 2, 1983.

21           **SECTION 102.** 302.335 (title) of the statutes is amended to read:

22           **302.335 (title) Restrictions on detaining probationers and, parolees**  
23 **and persons on extended supervision in county or tribal jail.**

24           **SECTION 103.** 302.335 (2) (intro.) of the statutes is amended to read:

1           302.335 (2) (intro.) If a probationer ~~or~~, parolee or person on extended  
2 supervision is detained in a county jail or other county facility, or in a tribal jail under  
3 s. 302.445, pending disposition of probation ~~or~~, parole or extended supervision  
4 revocation proceedings, the following conditions apply:

5           **SECTION 104.** 302.335 (2) (a) (intro.) of the statutes is amended to read:

6           302.335 (2) (a) (intro.) The department shall begin a preliminary revocation  
7 hearing within 15 working days after the probationer ~~or~~, parolee or person on  
8 extended supervision is detained in the county jail, other county facility or the tribal  
9 jail. The department may extend, for cause, this deadline by not more than 5  
10 additional working days upon written notice to the probationer ~~or~~, parolee or person  
11 on extended supervision and the sheriff, the tribal chief of police or other person in  
12 charge of the county facility. This paragraph does not apply under any of the  
13 following circumstances:

14           **SECTION 105.** 302.335 (2) (a) 1. of the statutes is amended to read:

15           302.335 (2) (a) 1. The probationer ~~or~~, parolee or person on extended supervision  
16 has waived, in writing, the right to a preliminary hearing.

17           **SECTION 106.** 302.335 (2) (a) 2. of the statutes is amended to read:

18           302.335 (2) (a) 2. The probationer ~~or~~, parolee or person on extended supervision  
19 has given and signed a written statement that admits the violation.

20           **SECTION 107.** 302.335 (2) (a) 3. of the statutes is amended to read:

21           302.335 (2) (a) 3. There has been a finding of probable cause in a felony criminal  
22 action and the probationer ~~or~~, parolee or person on extended supervision is bound  
23 over for trial for the same or similar conduct that is alleged to be a violation of  
24 supervision.

25           **SECTION 108.** 302.335 (2) (b) of the statutes is amended to read:

1           302.335 (2) (b) The division shall begin a final revocation hearing within 50  
2 calendar days after the person is detained in the county jail, other county facility or  
3 the tribal jail. The department may request the division to extend this deadline by  
4 not more than 10 additional calendar days, upon notice to the probationer ~~or~~, parolee  
5 or person on extended supervision, the sheriff, the tribal chief of police or other  
6 person in charge of the facility, and the division. The division may grant the request.  
7 This paragraph does not apply if the probationer ~~or~~, parolee or person on extended  
8 supervision has waived the right to a final revocation hearing.

9           **SECTION 109.** 302.335 (3) of the statutes is amended to read:

10           302.335 (3) If there is a failure to begin a hearing within the time requirements  
11 under sub. (2), the sheriff, the tribal chief of police or other person in charge of a  
12 county facility shall notify the department at least 24 hours before releasing a  
13 probationer ~~or~~, parolee or person on extended supervision under this subsection.

14           **SECTION 110.** 302.335 (4) of the statutes is amended to read:

15           302.335 (4) This section applies to probationers ~~or~~, parolees or persons on  
16 extended supervision who begin detainment in a county jail, other county facility or  
17 a tribal jail on or after July 1, 1990, except that this section does not apply to any  
18 probationer ~~or~~, parolee or person on extended supervision who is in the county jail,  
19 other facility or the tribal jail and serving a sentence.

20           **SECTION 111.** 303.065 (1) of the statutes is renumbered 303.065 (1) (a) and  
21 amended to read:

22           303.065 (1) (a) ~~The~~ Except as provided in par. (b), the department may grant  
23 work release privileges to any person incarcerated within the state prisons, ~~except~~  
24 ~~that no~~.

1           **(b) 1.** A person serving a life sentence, other than a life sentence specified in  
2 subd. 2., may be considered for work release until only after he or she has reached  
3 parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever is  
4 applicable, and ~~no~~ or he or she has reached his or her extended supervision eligibility  
5 date under s. 302.114 (9) (b) or 973.014 (1g) (a) 1. or 2., whichever is applicable.

6           **2.** A person serving a life sentence under s. 939.62 (2m) or 973.014 (1) (c) or (1g)  
7 (a) 3. may not be considered for work release.

8           **SECTION 112.** 303.21 (1) (a) of the statutes, as affected by 1997 Wisconsin Act  
9 3, is amended to read:

10           **303.21 (1) (a)** If an inmate of a state institution, in the performance of assigned  
11 work is injured so as to be permanently incapacitated or to have materially reduced  
12 earning power, the inmate may, upon being released from such institution, either  
13 upon release on parole or extended supervision or upon final discharge, be allowed  
14 and paid such compensation as the department of workforce development finds the  
15 inmate entitled to. The inmate shall be compensated on the same basis as if the  
16 injury had been covered by ch. 102, except that the total paid to any inmate may not  
17 exceed \$10,000 and may be paid in instalments. If the injury results from  
18 employment in a prison industry, the payment shall be made from the revolving  
19 appropriation for its operation. If there is no revolving appropriation, payment shall  
20 be made from the general fund. In case of dispute, the procedure for hearing, award  
21 and appeal shall be as set forth in ss. 102.16 to 102.26.

22           **SECTION 113.** 303.215 of the statutes is amended to read:

23           **303.215 Compensation to prisoners or residents injured in prison**  
24 **industries employment.** In accordance with s. 102.03 (2), for an inmate of a state  
25 institution or a resident subject to s. 303.01 (1) (b) employed under s. 303.06 (2),

1 compensation under ch. 102 on being released from the applicable institution, on  
2 parole, on extended supervision, on final discharge or in accordance with ch. 938,  
3 whichever is applicable, is the exclusive remedy against the department and any  
4 employe of the department for any injury sustained by the inmate or resident while  
5 performing service growing out of and incidental to that employment. The  
6 department shall make any payments required under this section from the revolving  
7 appropriation for the operation of prison industries or, if there is no revolving  
8 appropriation for the operation of prison industries, from the general fund.

9 **SECTION 114.** 304.02 (3) (c) of the statutes is amended to read:

10 304.02 (3) (c) The institution social worker or the probation, extended  
11 supervision and parole agent of record has reason to believe the prisoner will be able  
12 to maintain himself or herself in society without engaging in assaultive activity.

13 **SECTION 115.** 304.02 (4) of the statutes is amended to read:

14 304.02 (4) If a person is sentenced under s. 973.032, he or she is eligible for a  
15 release to parole supervision under this section and remains in the intensive  
16 sanctions program unless discharged by the department under s. 301.048 (6) (a).

17 **SECTION 116.** 304.02 (5) of the statutes is amended to read:

18 304.02 (5) Notwithstanding subs. (1) to (3), a prisoner who is serving a life  
19 sentence under s. 939.62 (2m) or 973.014 (1) (c) or (1g) is not eligible for release to  
20 parole supervision under this section.

21 **SECTION 117.** 304.02 (6) of the statutes is created to read:

22 304.02 (6) Notwithstanding subs. (1) to (3), a prisoner is not eligible for release  
23 to parole supervision under this section if he or she is serving a bifurcated sentence  
24 under s. 973.01.

25 **SECTION 118.** 304.06 (1) (b) of the statutes is amended to read:

1           304.06 (1) (b) Except as provided in sub. (1m) or s. 302.045 (3), 961.49 (2),  
2           973.01 (6) or 973.0135, the parole commission may parole an inmate of the Wisconsin  
3           state prisons or any felon or any person serving at least one year or more in a county  
4           house of correction or a county reforestation camp organized under s. 303.07, when  
5           he or she has served 25% of the sentence imposed for the offense, or 6 months,  
6           whichever is greater. Except as provided in s. 939.62 (2m) or 973.014 (1) (b) or (c),  
7           (1g) or (2), the parole commission may parole an inmate serving a life term when he  
8           or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject  
9           to extension using the formulas under s. 302.11 (2). The person serving the life term  
10          shall be given credit for time served prior to sentencing under s. 973.155, including  
11          good time under s. 973.155 (4). The secretary may grant special action parole  
12          releases under s. 304.02. The department or the parole commission shall not provide  
13          any convicted offender or other person sentenced to the department's custody any  
14          parole eligibility or evaluation until the person has been confined at least 60 days  
15          following sentencing.

16           **SECTION 119.** 304.06 (1y) of the statutes is amended to read:

17           304.06 (1y) If a person is sentenced under s. 973.032, he or she is eligible for  
18          a release to parole supervision under this section and remains in the intensive  
19          sanctions program unless discharged by the department under s. 301.048 (6) (a).

20           **SECTION 120.** 304.062 (title) of the statutes is amended to read:

21           **304.062 (title) Ordering parolees and persons on extended supervision**  
22          **to perform community service work.**

23           **SECTION 121.** 304.062 (1) of the statutes is amended to read:

24           304.062 (1) The department may order that a parolee or a person on extended  
25          supervision perform community service work for a public agency or a nonprofit

1 charitable organization. An order may apply only if agreed to by the parolee or the  
2 person on extended supervision and the organization or agency. The department  
3 shall ensure that the parolee or the person on extended supervision is provided a  
4 written statement of the terms of the community service order and shall monitor the  
5 parolee's compliance of the parolee or person on extended supervision with the  
6 community service order.

7 **SECTION 122.** 304.062 (2) of the statutes is amended to read:

8 304.062 (2) Any organization or agency acting in good faith to which a parolee  
9 or person on extended supervision is assigned under an order under this section has  
10 immunity from any civil liability in excess of \$25,000 for acts or omissions by or  
11 impacting on the parolee or person on extended supervision. The department has  
12 immunity from any civil liability for acts or omissions by or impacting on the parolee  
13 or person on extended supervision regarding the assignment under this section.

14 **SECTION 123.** 304.063 (title) of the statutes is amended to read:

15 **304.063 (title) Notification prior to release on extended supervision or**  
16 **parole.**

17 **SECTION 124.** 304.063 (2) (intro.) of the statutes is amended to read:

18 304.063 (2) (intro.) Before a prisoner is released on parole under s. 302.11,  
19 304.02 or 304.06 or on extended supervision under s. 302.113 or 302.114, if  
20 applicable, for a violation of s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1)  
21 or (2), 948.025, 948.06 or 948.07, the department shall make a reasonable effort to  
22 notify all of the following persons, if they can be found, in accordance with sub. (3)  
23 and after receiving a completed card under sub. (4):

24 **SECTION 125.** 304.063 (3) of the statutes is amended to read:

1           304.063 (3) The department shall make a reasonable effort to send the notice,  
2 postmarked at least 7 days before a prisoner is released on parole or extended  
3 supervision, to the last-known address of the persons under sub. (2).

4           **SECTION 126.** 304.071 (2) of the statutes is amended to read:

5           304.071 (2) If a prisoner is not eligible for parole under s. 939.62 (2m), 961.49  
6 (2), 973.01 (6), 973.014 (1) (c) or (1g) or 973.032 (5), he or she is not eligible for parole  
7 under this section.

8           **SECTION 127.** 304.072 (title) of the statutes is amended to read:

9           **304.072 (title) Period of probation, extended supervision or parole**  
10 **tolled.**

11          **SECTION 128.** 304.072 (1) of the statutes is amended to read:

12          304.072 (1) If the department of corrections in the case of a parolee ~~or~~,  
13 probationer or person on extended supervision who is reinstated or waives a hearing  
14 or the division of hearings and appeals in the department of administration in the  
15 case of a hearing determines that a parolee ~~or~~, probationer or person on extended  
16 supervision has violated the terms of his or her supervision, the department or  
17 division may toll all or any part of the period of time between the date of the violation  
18 and the date an order of revocation or reinstatement is entered, subject to credit  
19 according to the terms of s. 973.155 for any time the parolee ~~or~~, probationer or person  
20 on extended supervision spent confined in connection with the violation.

21          **SECTION 129.** 304.072 (2) of the statutes is amended to read:

22          304.072 (2) If a parolee ~~or~~, probationer or person on extended supervision is  
23 alleged to have violated the terms of his or her supervision but the department or  
24 division determines that the alleged violation was not proven, the period between the

1 alleged violation and the determination shall be treated as service of the  
2 probationary, extended supervision or parole period.

3 **SECTION 130.** 304.072 (3) of the statutes is amended to read:

4 304.072 (3) Except as provided in s. 973.09 (3) (b), the department preserves  
5 jurisdiction over a probationer ~~or~~, parolee or person on extended supervision if it  
6 commences an investigation, issues a violation report or issues an apprehension  
7 request concerning an alleged violation prior to the expiration of the probationer's  
8 ~~or~~, parolee's or person's term of supervision.

9 **SECTION 131.** 304.072 (4) of the statutes is amended to read:

10 304.072 (4) The sentence of a revoked parolee or person on extended  
11 supervision resumes running on the day he or she is received at a correctional  
12 institution subject to sentence credit for the period of custody in a jail, correctional  
13 institution or any other detention facility pending revocation according to the terms  
14 of s. 973.155.

15 **SECTION 132.** 304.073 (2) of the statutes is amended to read:

16 304.073 (2) Beginning on January 1, 1996, the department shall charge a fee  
17 to any probationer ~~or~~, parolee or person on extended supervision who is under  
18 minimum or administrative supervision and is supervised by the department. The  
19 fee does not apply if the person is supervised by a vendor under s. 301.08 (1) (c) 2.  
20 The department shall set the fee sufficient to cover the cost of supervision. The  
21 department shall collect moneys for the fee charged under this subsection and credit  
22 those moneys to the appropriation account under s. 20.410 (1) (ge).

23 **SECTION 133.** 304.074 (title) of the statutes is amended to read:

24 **304.074 (title) Reimbursement fee for persons on probation and,**  
25 **parole, and extended supervision.**

1           **SECTION 134.** 304.074 (2) of the statutes is amended to read:

2           304.074 (2) Beginning on January 1, 1996, the department shall charge a fee  
3 to probationers ~~and~~, parolees and persons on extended supervision to partially  
4 reimburse the department for the costs of providing supervision and services. The  
5 department shall set varying rates for probationers ~~and~~, parolees or persons on  
6 extended supervision based on ability to pay and with the goal of receiving at least  
7 \$1 per day, if appropriate, from each probationer ~~and~~, parolee and person on  
8 extended supervision. The department shall not charge a fee while the probationer  
9 ~~or~~, parolee or person on extended supervision is exempt under sub. (3). The  
10 department shall collect moneys for the fees charged under this subsection and credit  
11 those moneys to the appropriation account under s. 20.410 (1) (gf).

12           **SECTION 135.** 304.074 (3) (intro.) of the statutes is amended to read:

13           304.074 (3) (intro.) The department may decide not to charge a fee under sub.  
14 (2) to any probationer ~~or~~, parolee or person on extended supervision while he or she  
15 meets any of the following conditions:

16           **SECTION 136.** 304.074 (3) (d) of the statutes is amended to read:

17           304.074 (3) (d) Has a statement from a physician certifying to the department  
18 that the probationer ~~or~~, parolee or person on extended supervision should be excused  
19 from working for medical reasons.

20           **SECTION 137.** 304.074 (4) of the statutes is amended to read:

21           304.074 (4) The fee under sub. (2) does not apply to any probationer ~~or~~, parolee  
22 or person on extended supervision who is under minimum or administrative  
23 supervision.

24           **SECTION 138.** 304.075 of the statutes is amended to read:

1           **304.075** (title) ~~Probationer and parolee loan~~ Loan fund for  
2 probationers, parolees and persons on extended supervision. The  
3 department shall create a revolving fund out of any moneys in its hands belonging  
4 to probationers and, parolees or persons on extended supervision who absconded, or  
5 whose whereabouts are unknown. The fund shall be used to defray the expenses of  
6 clothing, transportation, maintenance and other necessities for probationers and,  
7 parolees and persons on extended supervision who are without means to secure those  
8 necessities. All payments made from the fund shall be repaid by probationers or,  
9 parolees or persons on extended supervision for whose benefit they are made  
10 whenever possible; and any moneys belonging to them so paid into the revolving fund  
11 shall be repaid to them in accordance with law, in case a claim therefor is filed with  
12 the department upon showing the legal right of the claimant to such money.

13           **SECTION 139.** 304.13 (1) (intro.) of the statutes is amended to read:

14           304.13 (1) (intro.) That it shall be competent for the duly constituted judicial  
15 and administrative authorities of a sending state to permit any person convicted of  
16 an offense within the sending state and placed on probation or released on extended  
17 supervision or parole to reside in any receiving state while on probation, extended  
18 supervision or parole, if:

19           **SECTION 140.** 304.13 (2) of the statutes is amended to read:

20           304.13 (2) That each receiving state will assume the duties of visitation of and  
21 supervision over probationers, persons on extended supervision or parolees of any  
22 sending state and in the exercise of those duties will be governed by the same  
23 standards that prevail for its own probationers, persons on extended supervision and  
24 parolees.

25           **SECTION 141.** 304.13 (3) of the statutes is amended to read:

1           304.13 (3) That the duly accredited officers of a sending state may at all times  
2 enter a receiving state and there apprehend and retake any person on probation,  
3 extended supervision or parole. For that purpose no formalities will be required  
4 other than establishing the authority of the officer and the identity of the person to  
5 be retaken. All legal requirements to obtain extradition of fugitives from justice are  
6 expressly waived on the part of states party hereto, as to such persons. The decision  
7 of the sending state to retake a person on probation, extended supervision or parole  
8 shall be conclusive upon and not reviewable within the receiving state; provided,  
9 however, that if at the time when a state seeks to retake a probationer, person on  
10 extended supervision or parolee there should be pending against that person within  
11 the receiving state any criminal charge, or that person should be suspected of having  
12 committed within such state a criminal offense, that person shall not be retaken  
13 without the consent of the receiving state until discharged from prosecution or from  
14 imprisonment for such offense.

15           **SECTION 142.** 304.13 (7) of the statutes is amended to read:

16           304.13 (7) That this compact shall continue in force and remain binding upon  
17 such ratifying state until renounced by it. The duties and obligations hereunder of  
18 a renouncing state shall continue as to parolees, persons on extended supervision or  
19 probationers residing therein at the time of withdrawal or until finally discharged  
20 by the sending state. Renunciation of this compact shall be by the same authority  
21 which ratified it, by sending 6 months' notice in writing of its intention to withdraw  
22 the compact to the other states party thereto.

23           **SECTION 143.** 304.13 (8) (b) of the statutes is amended to read:

1           304.13 (8) (b) “Sending state” means a party to this compact permitting its  
2 probationers, persons on extended supervision and parolees to reside in a receiving  
3 state.

4           **SECTION 144.** 304.135 of the statutes is amended to read:

5           **304.135** (title) **Out-of-state parolee supervision of parolees and**  
6 **persons on extended supervision without compact.** The department may  
7 permit any person convicted of an offense within this state and placed on probation  
8 or released on extended supervision or parole to reside in any other state not a party  
9 to the compact authorized by s. 304.13 whenever the authorities of the receiving state  
10 agree to assume the duties of visitation of and supervision over the probationer,  
11 person on extended supervision or parolee, governed by the same standards that  
12 prevail for its own probationers, persons on extended supervision and parolees, on  
13 the same terms as are provided in s. 304.13 (1) and (2) in the case of states signatory  
14 to the compact. Before permitting any probationer, person on extended supervision  
15 or parolee to leave this state under this section, the department shall obtain from him  
16 or her a signed agreement to return to this state upon demand of the department and  
17 an irrevocable waiver of all procedure incidental to extradition. The department  
18 may, in like manner, receive for supervision probationers, persons on extended  
19 supervision and parolees convicted in states not signatory to the compact, and shall  
20 have the same custody and control of those persons as it has over probationers,  
21 persons on extended supervision and parolees of this state.

22           **SECTION 145.** 304.137 of the statutes is amended to read:

23           **304.137 Determination concerning submission of human biological**  
24 **specimen.** If the department accepts supervision of a probationer, person on  
25 extended supervision or parolee from another state under s. 304.13 or 304.135, the

1 department shall determine whether the violation of law for which the person is on  
2 probation, extended supervision or parole is comparable to a violation of s. 940.225  
3 (1) or (2), 948.02 (1) or (2) or 948.025. If the department determines that a person  
4 on probation, extended supervision or parole from another state violated a law that  
5 is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the  
6 department shall direct the probationer, person on extended supervision or parolee  
7 to provide a biological specimen under s. 165.76.

8 **SECTION 146.** 304.14 of the statutes is amended to read:

9 **304.14 (title) Cooperative return of parole, extended supervision and**  
10 **probation violators.** The secretary may deputize any person regularly employed  
11 by another state to act as an officer and agent of this state in effecting the return of  
12 any person who has violated the terms and conditions of parole, extended  
13 supervision or probation as granted by this state. In any matter relating to the  
14 return of such person, any agent so deputized shall have all the powers of a police  
15 officer of this state. Any deputization pursuant to this section shall be in writing and  
16 any person authorized to act as an agent under this section shall carry formal  
17 evidence of the deputization and shall produce the same upon demand.

18 **SECTION 147.** 343.06 (1) (i) of the statutes is amended to read:

19 343.06 (1) (i) To any person who has been convicted of any offense specified  
20 under ss. 940.225, 948.02, 948.025 and 948.07 or adjudged delinquent under ch. 938  
21 for a like or similar offense, when the sentencing court makes a finding that issuance  
22 of a license will be inimical to the public safety and welfare. The prohibition against  
23 issuance of a license to the offenders shall apply immediately upon receipt of a record  
24 of the conviction and the court finding by the secretary, for a period of one year or  
25 until discharge from any jail or prison sentence or any period of probation, extended

1 supervision or parole with respect to the offenses specified, whichever date is the  
2 later. Receipt by the offender of a certificate of discharge from the department of  
3 corrections or other responsible supervising agency, after one year has elapsed since  
4 the prohibition began, entitles the holder to apply for an operator's license. The  
5 applicant may be required to present the certificate of discharge to the secretary if  
6 the latter deems it necessary.

7 **SECTION 148.** 343.30 (2d) of the statutes is amended to read:

8 343.30 (2d) A court may suspend or revoke a person's operating privilege upon  
9 conviction of any offense specified under ss. 940.225, 948.02, 948.025 and 948.07, if  
10 the court finds that it is inimical to the public safety and welfare for the offender to  
11 have operating privileges. The suspension or revocation shall be for one year or until  
12 discharge from prison or jail sentence or probation, extended supervision or parole  
13 with respect to the offenses specified, whichever date is later. Receipt of a certificate  
14 of discharge from the department of corrections or other responsible supervising  
15 agency, after one year has elapsed since the suspension or revocation, entitles the  
16 holder to reinstatement of operating privileges. The holder may be required to  
17 present the certificate to the secretary if the secretary deems necessary.

18 **SECTION 149.** 563.14 (2) of the statutes is amended to read:

19 563.14 (2) The supervising member and member responsible for the proper  
20 utilization of gross receipts are active members of the applicant organization who,  
21 subject to ss. 111.321, 111.322 and 111.335, have never been convicted of a felony or,  
22 if convicted, have received a pardon or have been released from parole, extended  
23 supervision or probation for at least 5 years.

24 **SECTION 150.** 563.27 (1) of the statutes is amended to read:

1           563.27 (1) Subject to ss. 111.321, 111.322 and 111.335, a person convicted of a  
2 felony who has not received a pardon or has not been released from parole, extended  
3 supervision or probation for at least 5 years.

4           **SECTION 151.** 563.51 (29) (b) of the statutes is amended to read:

5           563.51 (29) (b) Subject to ss. 111.321, 111.322 and 111.335, has never been  
6 convicted of a felony or, if convicted, has been pardoned or released from probation,  
7 extended supervision or parole for at least 5 years.

8           **SECTION 152.** 801.50 (5) of the statutes is amended to read:

9           801.50 (5) Venue of an action to review a probation, extended supervision or  
10 parole revocation or a refusal of parole by certiorari shall be the county in which the  
11 relator was last convicted of an offense for which the relator was on probation,  
12 extended supervision or parole or for which the relator is currently incarcerated.

13           **SECTION 153.** 938.183 (2) (b) of the statutes is amended to read:

14           938.183 (2) (b) When a juvenile who is subject to a criminal penalty under par.  
15 (a) attains the age of 17 years, the department may place the juvenile in a state prison  
16 named in s. 302.01. A juvenile who is subject to a criminal penalty under par. (a) for  
17 an act committed before July 1, 1999, is eligible for parole under s. 304.06.

18           **SECTION 154.** 938.78 (2) (d) 5. of the statutes is amended to read:

19           938.78 (2) (d) 5. On parole under s. 302.11 or ch. 304 or on extended supervision  
20 under s. 302.113 or 302.114.

21           **SECTION 155.** 938.991 (1) of the statutes is amended to read:

22           938.991 (1) ARTICLE I - FINDINGS AND PURPOSES. That juveniles who are not  
23 under proper supervision and control, or who have absconded, escaped or run away,  
24 are likely to endanger their own health, morals and welfare, and the health, morals  
25 and welfare of others. The cooperation of the states party to this compact is therefore

1 necessary to provide for the welfare and protection of juveniles and of the public with  
2 respect to (1) cooperative supervision of delinquent juveniles on probation, extended  
3 supervision or parole; (2) the return, from one state to another, of delinquent  
4 juveniles who have escaped or absconded; (3) the return, from one state to another,  
5 of nondelinquent juveniles who have run away from home; and (4) additional  
6 measures for the protection of juveniles and of the public, which any 2 or more of the  
7 party states may find desirable to undertake cooperatively. In carrying out the  
8 provisions of this compact the party states shall be guided by the noncriminal,  
9 reformatory and protective policies which guide their laws concerning delinquent,  
10 neglected or dependent juveniles generally. It shall be the policy of the states party  
11 to this compact to cooperate and observe their respective responsibilities for the  
12 prompt return and acceptance of juveniles and delinquent juveniles who become  
13 subject to the provisions of this compact. The provisions of this compact shall be  
14 reasonably and liberally construed to accomplish the foregoing purposes.

15 **SECTION 156.** 938.991 (3) (c) of the statutes is amended to read:

16 938.991 (3) (c) "Probation, extended supervision or parole" means any kind of  
17 conditional release of juveniles authorized under the laws of the states party hereto.

18 **SECTION 157.** 938.991 (5) (a) of the statutes is amended to read:

19 938.991 (5) (a) That the appropriate person or authority from whose probation,  
20 extended supervision or parole supervision a delinquent juvenile has absconded or  
21 from whose institutional custody the delinquent juvenile has escaped shall present  
22 to the appropriate court or to the executive authority of the state where the  
23 delinquent juvenile is alleged to be located a written requisition for the return of the  
24 delinquent juvenile. The requisition shall state the name and age of the delinquent  
25 juvenile, the particulars of that person's adjudication as a delinquent juvenile, the

1 circumstances of the breach of the terms of the delinquent juvenile's probation,  
2 extended supervision or parole or of the delinquent juvenile's escape from an  
3 institution or agency vested with legal custody or supervision of the delinquent  
4 juvenile, and the location of the delinquent juvenile, if known, at the time the  
5 requisition is made. The requisition shall be verified by affidavit, shall be executed  
6 in duplicate, and shall be accompanied by 2 certified copies of the judgment, formal  
7 adjudication, or order of commitment which subjects the delinquent juvenile to  
8 probation, extended supervision or parole or to the legal custody of the institution or  
9 agency concerned. Further affidavits and other documents as may be deemed proper  
10 may be submitted with the requisition. One copy of the requisition shall be filed with  
11 the compact administrator of the demanding state, there to remain on file subject to  
12 the provisions of law governing records of the appropriate court. Upon the receipt  
13 of a requisition demanding the return of a delinquent juvenile who has absconded  
14 or escaped, the court or the executive authority to whom the requisition is addressed  
15 shall issue an order to any peace officer or other appropriate person directing that  
16 person to take into custody and detain the delinquent juvenile. The detention order  
17 must substantially recite the facts necessary to the validity of its issuance hereunder.  
18 No delinquent juvenile detained upon a detention order shall be delivered over to the  
19 officer whom the appropriate person or authority demanding the delinquent juvenile  
20 shall have appointed to receive the delinquent juvenile, unless the delinquent  
21 juvenile shall first be taken forthwith before a judge of an appropriate court in the  
22 state, who shall inform the delinquent juvenile of the demand made for the return  
23 of the delinquent juvenile and who may appoint counsel or guardian ad litem for the  
24 delinquent juvenile. If the judge shall find that the requisition is in order, the judge  
25 shall deliver the delinquent juvenile over to the officer whom the appropriate person

1 or authority demanding shall have appointed to receive the delinquent juvenile. The  
2 judge, however, may fix a reasonable time to be allowed for the purpose of testing the  
3 legality of the proceeding.

4 **SECTION 158.** 938.991 (5) (am) of the statutes is amended to read:

5 938.991 (5) (am) Upon reasonable information that a person is a delinquent  
6 juvenile who has absconded while on probation, extended supervision or parole, or  
7 escaped from an institution or agency vested with legal custody or supervision of the  
8 person in any state party to this compact, the person may be taken into custody in  
9 any other state party to this compact without a requisition. In that event, the person  
10 must be taken forthwith before a judge of the appropriate court, who may appoint  
11 counsel or guardian ad litem for the person and who shall determine, after a hearing,  
12 whether sufficient cause exists to hold the person subject to the order of the court for  
13 a time, not exceeding 90 days, as will enable the person's detention under a detention  
14 order issued on a requisition pursuant to this subsection. If, at the time when a state  
15 seeks the return of a delinquent juvenile who has either absconded while on  
16 probation, extended supervision or parole or escaped from an institution or agency  
17 vested with legal custody or supervision of the delinquent juvenile, there is pending  
18 in the state wherein the delinquent juvenile is detained any criminal charge or any  
19 proceeding to have the delinquent juvenile adjudicated a delinquent juvenile for an  
20 act committed in that state, or if the delinquent juvenile is suspected of having  
21 committed within such state a criminal offense or an act of juvenile delinquency, the  
22 delinquent juvenile shall not be returned without the consent of that state until  
23 discharged from prosecution or other form of proceeding, imprisonment, detention  
24 or supervision for such offense or juvenile delinquency. The duly accredited officers  
25 of any state party to this compact, upon the establishment of the officers' authority

1 and the identity of the delinquent juvenile being returned, shall be permitted to  
2 transport the delinquent juvenile through any and all states party to this compact,  
3 without interference. Upon the return of the delinquent juvenile to the state from  
4 which the delinquent juvenile escaped or absconded, the delinquent juvenile shall  
5 be subject to such further proceedings as may be appropriate under the laws of that  
6 state.

7 **SECTION 159.** 938.991 (6) of the statutes is amended to read:

8 938.991 (6) ARTICLE VI - VOLUNTARY RETURN PROCEDURE. That any delinquent  
9 juvenile who has absconded while on probation, extended supervision or parole, or  
10 escaped from an institution or agency vested with legal custody or supervision of the  
11 delinquent juvenile in any state party to this compact, and any juvenile who has run  
12 away from any state party to this compact, who is taken into custody without a  
13 requisition in another state party to this compact under sub. (4) (a) or (5) (a), may  
14 consent to his or her immediate return to the state from which the juvenile or  
15 delinquent juvenile absconded, escaped or ran away. Consent shall be given by the  
16 juvenile or delinquent juvenile and his or her counsel or guardian ad litem, if any,  
17 by executing or subscribing a writing, in the presence of a judge of the appropriate  
18 court, which states that the juvenile or delinquent juvenile and his or her counsel or  
19 guardian ad litem, if any, consent to the return of the juvenile or delinquent juvenile  
20 to the demanding state. Before the consent shall be executed or subscribed, however,  
21 the judge, in the presence of counsel or guardian ad litem, if any, shall inform the  
22 juvenile or delinquent juvenile of his or her rights under this compact. When the  
23 consent has been duly executed, it shall be forwarded to and filed with the compact  
24 administrator of the state in which the court is located and the judge shall direct the  
25 officer having the juvenile or delinquent juvenile in custody to deliver the juvenile

1 or delinquent juvenile to the duly accredited officer or officers of the state demanding  
2 the return of the juvenile or delinquent juvenile, and shall cause to be delivered to  
3 the officer or officers a copy of the consent. The court may, however, upon the request  
4 of the state to which the juvenile or delinquent juvenile is being returned, order the  
5 juvenile or delinquent juvenile to return unaccompanied to that state and shall  
6 provide the juvenile or delinquent juvenile with a copy of the court order; in that  
7 event a copy of the consent shall be forwarded to the compact administrator of the  
8 state to which the juvenile or delinquent juvenile is ordered to return.

9 **SECTION 160.** 938.991 (7) (title) of the statutes is amended to read:

10 938.991 (7) (title) ARTICLE VII - COOPERATIVE SUPERVISION OF PROBATIONERS,  
11 PERSONS ON EXTENDED SUPERVISION AND PAROLEES.

12 **SECTION 161.** 938.991 (7) (a) of the statutes is amended to read:

13 938.991 (7) (a) That the duly constituted judicial and administrative  
14 authorities of a state party to this compact (herein called "sending state") may permit  
15 any delinquent juvenile within such state, placed on probation, extended supervision  
16 or parole, to reside in any other state party to this compact (herein called "receiving  
17 state") while on probation, extended supervision or parole, and the receiving state  
18 shall accept such delinquent juvenile, if the parent, guardian or person entitled to  
19 the legal custody of such delinquent juvenile is residing or undertakes to reside  
20 within the receiving state. Before granting such permission, opportunity shall be  
21 given to the receiving state to make such investigations as it deems necessary. The  
22 authorities of the sending state shall send to the authorities of the receiving state  
23 copies of pertinent court orders, social case studies and all other available  
24 information which may be of value to and assist the receiving state in supervising  
25 a probationer ~~or~~, parolee or person under extended supervision under this compact.

1 A receiving state, in its discretion, may agree to accept supervision of a probationer  
2 or, parolee or person under extended supervision in cases where the parent, guardian  
3 or person entitled to legal custody of the delinquent juvenile is not a resident of the  
4 receiving state, and if so accepted the sending state may transfer supervision  
5 accordingly.

6 **SECTION 162.** 938.991 (7) (b) of the statutes is amended to read:

7 938.991 (7) (b) That each receiving state will assume the duties of visitation  
8 and of supervision over any such delinquent juvenile and in the exercise of those  
9 duties will be governed by the same standards of visitation and supervision that  
10 prevail for its own delinquent juveniles released on probation, extended supervision  
11 or parole.

12 **SECTION 163.** 938.991 (7) (c) of the statutes is amended to read:

13 938.991 (7) (c) That, after consultation between the appropriate authorities of  
14 the sending state and of the receiving state as to the desirability and necessity of  
15 returning such a delinquent juvenile, the duly accredited officers of a sending state  
16 may enter a receiving state and there apprehend and retake any such delinquent  
17 juvenile on probation, extended supervision or parole. For that purpose, no  
18 formalities will be required, other than establishing the authority of the officer and  
19 the identity of the delinquent juvenile to be retaken and returned. The decision of  
20 the sending state to retake a delinquent juvenile on probation, extended supervision  
21 or parole shall be conclusive upon and not reviewable within the receiving state, but  
22 if, at the time the sending state seeks to retake a delinquent juvenile on probation,  
23 extended supervision or parole, there is pending against the delinquent juvenile  
24 within the receiving state any criminal charge or any proceeding to have the  
25 delinquent juvenile adjudicated a delinquent juvenile for any act committed in that

1 state, or if the delinquent juvenile is suspected of having committed within that state  
2 a criminal offense or an act of juvenile delinquency, the delinquent juvenile shall not  
3 be returned without the consent of the receiving state until discharged from  
4 prosecution or other form of proceeding, imprisonment, detention or supervision for  
5 such offense or juvenile delinquency. The duly accredited officers of the sending state  
6 shall be permitted to transport delinquent juveniles being so returned through any  
7 and all states party to this compact, without interference.

8 **SECTION 164.** 938.991 (14) of the statutes is amended to read:

9 938.991 (14) ARTICLE XIV - RENUNCIATION. That this compact shall continue in  
10 force and remain binding upon each executing state until renounced by it.  
11 Renunciation of this compact shall be by the same authority which executed it, by  
12 sending 6 months notice in writing of its intention to withdraw from the compact to  
13 the other states party hereto. The duties and obligations of a renouncing state under  
14 sub. (7) shall continue as to parolees ~~and~~, probationers and persons on extended  
15 supervision residing therein at the time of withdrawal until retaken or finally  
16 discharged. Supplementary agreements entered into under sub. (10) shall be subject  
17 to renunciation as provided by such supplementary agreements, and shall not be  
18 subject to the 6 months' renunciation notice of the present Article.

19 **SECTION 165.** 938.993 (2) of the statutes is amended to read:

20 938.993 (2) The compact administrator shall determine for this state whether  
21 to receive juvenile probationers ~~and~~, parolees and persons on extended supervision  
22 of other states under s. 938.991 (7) and shall arrange for the supervision of each such  
23 probationer ~~or~~, parolee or person on extended supervision received, either by the  
24 department or by a person appointed to perform supervision service for the court  
25 assigned to exercise jurisdiction under this chapter and ch. 48 for the county where

1 the juvenile is to reside, whichever is more convenient. Those persons shall in all  
2 such cases make periodic reports to the compact administrator regarding the conduct  
3 and progress of the juveniles.

4 **SECTION 166.** 939.62 (2m) (b) of the statutes is amended to read:

5 939.62 (2m) (b) The actor is a persistent repeater if he or she has been convicted  
6 of a serious felony on 2 or more separate occasions at any time preceding the serious  
7 felony for which he or she presently is being sentenced under ch. 973, which  
8 convictions remain of record and unreversed and, that of the 2 or more previous  
9 convictions, at least one conviction must have occurred before the date of violation  
10 of at least one of the other felonies for which the actor was previously convicted. It  
11 is immaterial that the sentence for a previous conviction was stayed, withheld or  
12 suspended, or that he or she was pardoned, unless the pardon was granted on the  
13 ground of innocence. The term of imprisonment for the felony for which the  
14 persistent repeater presently is being sentenced under ch. 973 is life imprisonment  
15 without the possibility of parole or extended supervision.

16 **SECTION 167.** 940.20 (2m) (title) of the statutes is amended to read:

17 940.20 (2m) (title) BATTERY TO PROBATION, EXTENDED SUPERVISION AND PAROLE  
18 AGENTS AND AFTERCARE AGENTS.

19 **SECTION 168.** 940.20 (2m) (a) 2. of the statutes is amended to read:

20 940.20 (2m) (a) 2. "Probation, extended supervision and parole agent" means  
21 any person authorized by the department of corrections to exercise control over a  
22 probationer ~~or~~, parolee or person on extended supervision.

23 **SECTION 169.** 940.20 (2m) (b) of the statutes is amended to read:

24 940.20 (2m) (b) Whoever intentionally causes bodily harm to a probation,  
25 extended supervision and parole agent or an aftercare agent, acting in an official

1 capacity and the person knows or has reason to know that the victim is a probationer,  
2 extended supervision and parole agent or an aftercare agent, by an act done without  
3 the consent of the person so injured, is guilty of a Class D felony.

4 **SECTION 170.** 942.06 (2m) (a) of the statutes is amended to read:

5 942.06 (2m) (a) An employe or agent of the department of corrections who  
6 conducts a lie detector test of a probationer ~~or~~, parolee or person on extended  
7 supervision under the rules promulgated under s. 301.132.

8 **SECTION 171.** 942.06 (2q) (a) (intro.) of the statutes is amended to read:

9 942.06 (2q) (a) (intro.) An employe or agent of the department of corrections  
10 who discloses, to any of the following, the fact that a probationer ~~or~~, parolee or person  
11 on extended supervision has had a lie detector test under the rules promulgated  
12 under s. 301.132 or the results of such a lie detector test:

13 **SECTION 172.** 946.42 (1) (a) of the statutes is amended to read:

14 946.42 (1) (a) "Custody" includes without limitation actual custody of an  
15 institution, including a secured correctional facility, as defined in s. 938.02 (15m), a  
16 secured child caring institution, as defined in s. 938.02 (15g), a secure detention  
17 facility, as defined in s. 938.02 (16), a Type 2 child caring institution, as defined in  
18 s. 938.02 (19r), or a juvenile portion of a county jail, or of a peace officer or institution  
19 guard and constructive custody of prisoners and juveniles subject to an order under  
20 s. 48.366, 938.183, 938.34 (4d), (4h) or (4m) or 938.357 (4) or (5) (e) temporarily  
21 outside the institution whether for the purpose of work, school, medical care, a leave  
22 granted under s. 303.068, a temporary leave or furlough granted to a juvenile or  
23 otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the  
24 county to which the prisoner was transferred after conviction. It does not include the  
25 custody of a probationer ~~or~~, parolee or person on extended supervision by the

1 department of corrections or a probation, extended supervision or parole officer or  
2 the custody of a person who has been released to aftercare supervision under ch. 938  
3 unless the person is in actual custody or is subject to a confinement order under s.  
4 973.09 (4).

5 **SECTION 173.** 946.46 of the statutes is amended to read:

6 **946.46** (title) **Encouraging violation of probation, extended**  
7 **supervision or parole.** Whoever intentionally aids or encourages a parolee or,  
8 probationer or person on extended supervision or any person committed to the  
9 custody or supervision of the department of corrections or a county department  
10 under s. 46.215, 46.22 or 46.23 by reason of crime or delinquency to abscond or violate  
11 a term or condition of parole, extended supervision or probation is guilty of a Class  
12 A misdemeanor.

13 **SECTION 174.** 950.045 of the statutes, as affected by 1995 Wisconsin Act 440,  
14 is amended to read:

15 **950.045** (title) **Victims; application for parole, extended supervision or**  
16 **pardon; releases; escapes; corrections programs.** Victims of crimes have the  
17 right to provide written statements concerning parole applications under s. 304.06  
18 (1) (e), to have direct input in the parole decision-making process under s. 304.06 (1)  
19 (em) and to provide written statements concerning pardon applications under s.  
20 304.10 (2). Victims of crimes have the right to be notified by district attorneys under  
21 s. 971.17 (4m) regarding conditional releases under s. 971.17. Victims of crimes have  
22 the right to be notified by the department of health and family services under s.  
23 971.17 (6m) regarding terminations or discharges under s. 971.17. Victims of crimes  
24 have the right to be notified by the department of corrections under s. 301.046 (4)  
25 regarding community residential confinements, under s. 301.048 (4m) regarding

1 participation in the intensive sanctions program, under s. 301.38 regarding escapes  
2 from a Type 1 prison, under s. 302.115 regarding the expiration of sentences and  
3 under s. 304.063 regarding extended supervision and parole releases. Victims of acts  
4 of sexual violence have the right to be notified by the department of health and family  
5 services under s. 980.11 regarding supervised releases under s. 980.06 and  
6 discharges under s. 980.09 or 980.10. Victims have the right to be notified of the  
7 registration of a person and the update of information regarding that person under  
8 s. 301.46. Victims of crimes have the right to be sent a copy of an inmate's petition  
9 for extended supervision and to be notified of the hearing on that petition under s.  
10 302.114 (6).

11 **SECTION 175.** 961.49 (2) (a) of the statutes is amended to read:

12 961.49 (2) (a) Except as provided in par. (b), if any person violates s. 961.41 (1)  
13 by delivering or distributing, or violates s. 961.41 (1m) by possessing with intent to  
14 deliver or distribute, a controlled substance included in schedule I or II or a  
15 controlled substance analog of a controlled substance included in schedule I or II  
16 while in or on the premises of a scattered-site public housing project, while in or on  
17 or otherwise within 1,000 feet of a state, county, city, village or town park, a jail or  
18 correctional facility, a multiunit public housing project, a swimming pool open to  
19 members of the public, a youth center or a community center, while in or on or  
20 otherwise within 1,000 feet of any private or public school premises or while in or on  
21 or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court  
22 shall sentence the person to at least 3 years in prison, but otherwise the penalties  
23 for the crime apply. Except as provided in s. 961.438, the court shall not place the  
24 person on probation. The Except as provided in s. 973.01 (6), the person is not eligible

1 for parole until he or she has served at least 3 years, with no modification by the  
2 calculation under s. 302.11 (1).

3 **SECTION 176.** 961.49 (2) (b) of the statutes is amended to read:

4 961.49 (2) (b) If the conduct described in par. (a) involves only the delivery or  
5 distribution, or the possession with intent to deliver or distribute, of not more than  
6 25 grams of tetrahydrocannabinols, included in s. 961.14 (4) (t), or not more than 5  
7 plants containing tetrahydrocannabinols, the court shall sentence the person to at  
8 least one year in prison, but otherwise the penalties for the crime apply. Except as  
9 provided in s. 961.438, the court shall not place the person on probation. The Except  
10 as provided in s. 973.01 (6), the person is not eligible for parole until he or she has  
11 served at least one year, with no modification by the calculation under s. 302.11 (1).

12 **SECTION 177.** 969.01 (4) of the statutes is amended to read:

13 969.01 (4) CONSIDERATIONS IN SETTING CONDITIONS OF RELEASE. If bail is imposed,  
14 it shall be only in the amount found necessary to assure the appearance of the  
15 defendant. Conditions of release, other than monetary conditions, may be imposed  
16 for the purpose of protecting members of the community from serious bodily harm  
17 or preventing intimidation of witnesses. Proper considerations in determining  
18 whether to release the defendant without bail, fixing a reasonable amount of bail or  
19 imposing other reasonable conditions of release are: the ability of the arrested person  
20 to give bail, the nature, number and gravity of the offenses and the potential penalty  
21 the defendant faces, whether the alleged acts were violent in nature, the defendant's  
22 prior record of criminal convictions and delinquency adjudications, if any, the  
23 character, health, residence and reputation of the defendant, the character and  
24 strength of the evidence which has been presented to the judge, whether the  
25 defendant is currently on probation, extended supervision or parole, whether the

1 defendant is already on bail or subject to other release conditions in other pending  
2 cases, whether the defendant has been bound over for trial after a preliminary  
3 examination, whether the defendant has in the past forfeited bail or violated a  
4 condition of release or was a fugitive from justice at the time of arrest, and the policy  
5 against unnecessary detention of the defendant's pending trial.

6 **SECTION 178.** 971.11 (1) of the statutes is amended to read:

7 971.11 (1) Whenever the warden or superintendent receives notice of an  
8 untried criminal case pending in this state against an inmate of a state prison, the  
9 warden or superintendent shall, at the request of the inmate, send by certified mail  
10 a written request to the district attorney for prompt disposition of the case. The  
11 request shall state the sentence then being served, the date of parole eligibility, if  
12 applicable, or the date of release to extended supervision, the approximate discharge  
13 or conditional release date, and prior decision relating to parole. If there has been  
14 no preliminary examination on the pending case, the request shall state whether the  
15 inmate waives such examination, and, if so, shall be accompanied by a written  
16 waiver signed by the inmate.

17 **SECTION 179.** 972.13 (6) of the statutes is amended to read:

18 972.13 (6) The following forms may be used for judgments:

19 STATE OF WISCONSIN

20 .... County

21 In.... Court

22 The State of Wisconsin

23 vs.

24 ....(Name of defendant)

25 UPON ALL THE FILES, RECORDS AND PROCEEDINGS,

1 IT IS ADJUDGED That the defendant has been convicted upon the defendant's  
2 plea of guilty (not guilty and a verdict of guilty) (not guilty and a finding of guilty)  
3 (no contest) on the.... day of..., 19.., of the crime of.... in violation of s.....; and the  
4 court having asked the defendant whether the defendant has anything to state why  
5 sentence should not be pronounced, and no sufficient grounds to the contrary being  
6 shown or appearing to the court.

7 \*IT IS ADJUDGED That the defendant is guilty as convicted.

8 \*IT IS ADJUDGED That the defendant is hereby committed to the Wisconsin  
9 state prisons (county jail of... county) for an indeterminate term of not more than....

10 \*IT IS ADJUDGED That the defendant is ordered to serve a bifurcated  
11 sentence consisting of .... year(s) of confinement in prison and .... months/years of  
12 extended supervision.

13 \*IT IS ADJUDGED That the defendant is placed in the intensive sanctions  
14 program subject to the limitations of section 973.032 (3) of the Wisconsin Statutes  
15 and the following conditions:....

16 \*IT IS ADJUDGED That the defendant is hereby committed to detention in  
17 (the defendant's place of residence or place designated by judge) for a term of not  
18 more than....

19 \*IT IS ADJUDGED That the defendant is ordered to pay a fine of \$.... (and the  
20 costs of this action).

21 \*IT IS ADJUDGED That the defendant pay restitution to....

22 \*IT IS ADJUDGED That the defendant is restricted in his or her use of  
23 computers as follows:....

24 \*The.... at.... is designated as the Reception Center to which the defendant  
25 shall be delivered by the sheriff.

1           \*IT IS ORDERED That the clerk deliver a duplicate original of this judgment  
2 to the sheriff who shall forthwith execute the same and deliver it to the warden.

3 Dated this.... day of...., 19...

4 BY THE COURT....

5 Date of Offense....,

6 District Attorney....,

7 Defense Attorney....

8 \*Strike inapplicable paragraphs.

9 STATE OF WISCONSIN

10 .... County

11 In.... Court

12 The State of Wisconsin

13 vs.

14 ....(Name of defendant)

15 On the.... day of...., 19.., the district attorney appeared for the state and the  
16 defendant appeared in person and by.... the defendant's attorney.

17 UPON ALL THE FILES, RECORDS AND PROCEEDINGS

18 IT IS ADJUDGED That the defendant has been found not guilty by the verdict  
19 of the jury (by the court) and is therefore ordered discharged forthwith.

20 Dated this.... day of...., 19...

21 BY THE COURT....

22 **SECTION 180.** 972.15 (2c) of the statutes is created to read:

23 972.15 (2c) If the defendant is being sentenced under s. 973.01 and he or she  
24 satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing the  
25 presentence investigation report shall include in the report a recommendation as to

1 whether the defendant should be eligible for the challenge incarceration program  
2 under s. 302.045.

3 **SECTION 181.** 972.15 (5) (intro.) of the statutes is amended to read:

4 972.15 (5) (intro.) The department may use the presentence investigation  
5 report for correctional programming, parole consideration or care and treatment of  
6 any person sentenced to imprisonment or the intensive sanctions program, placed  
7 on probation, released on parole or extended supervision or committed to the  
8 department under ch. 51 or 971 or any other person in the custody of the department  
9 or for research purposes. The department may make the report available to other  
10 agencies or persons to use for purposes related to correctional programming, parole  
11 consideration, care and treatment, or research. Any use of the report under this  
12 subsection is subject to the following conditions:

13 **SECTION 182.** 973.01 of the statutes is created to read:

14 **973.01 Bifurcated sentence of imprisonment and extended**  
15 **supervision.** (1) BIFURCATED SENTENCE REQUIRED. Except as provided in sub. (3),  
16 whenever a court sentences a person to imprisonment in the Wisconsin state prisons  
17 for a felony committed on or after July 1, 1999, the court shall impose a bifurcated  
18 sentence that consists of a term of confinement in prison followed by a term of  
19 extended supervision under s. 302.113.

20 (2) STRUCTURE OF BIFURCATED SENTENCES. The court shall ensure that a  
21 bifurcated sentence imposed under sub. (1) complies with all of the following:

22 (a) *Total length of bifurcated sentence.* Except as provided in par. (c), the total  
23 length of the bifurcated sentence may not exceed the maximum period of  
24 imprisonment for the felony.

1           (b) *Imprisonment portion of bifurcated sentence.* The portion of the bifurcated  
2 sentence that imposes a term of confinement in prison shall comply with all of the  
3 following:

4           1. Except as provided in par. (bm), the term of confinement in prison may not  
5 be less than one year.

6           2. The term of confinement in prison may not exceed 75% of the total length of  
7 the bifurcated sentence.

8           (bm) *Minimum imprisonment in certain cases.* 1. If the maximum period of  
9 imprisonment for the felony is one year, the term of confinement in prison may not  
10 be less than 6 months nor more than 8 months.

11           2. If there is a minimum sentence of more than one year prescribed for the  
12 felony, the term of confinement in prison portion of the bifurcated sentence may not  
13 be less than that prescribed minimum sentence.

14           (c) *Penalty enhancement.* The total length of the bifurcated sentence that may  
15 be imposed may be increased by any applicable penalty enhancement.

16           (d) *Minimum term of extended supervision.* The term of extended supervision  
17 that follows the term of confinement in prison may not be less than 25% of the length  
18 of the term of confinement in prison imposed under par. (b).

19           **(3)** NOT APPLICABLE TO LIFE SENTENCES. If a person is being sentenced for a felony  
20 that is punishable by life imprisonment, he or she is not subject to this section but  
21 shall be sentenced under s. 973.014 (1g).

22           **(3m)** CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing a  
23 bifurcated sentence under this section on a person convicted of a crime other than  
24 a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,  
25 948.07, 948.08 or 948.095, the court shall decide whether the person being sentenced

1 is eligible or ineligible for the challenge incarceration program under s. 302.045  
2 during the term of confinement in prison portion of the bifurcated sentence.

3 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A person  
4 sentenced to a bifurcated sentence under sub. (1) shall serve the term of confinement  
5 in prison portion of the sentence without reduction for good behavior. The term of  
6 confinement in prison portion is subject to extension under s. 302.113 (3) and, if  
7 applicable, to reduction under s. 302.045 (3m). When the court imposes a bifurcated  
8 sentence under sub. (1), the court shall inform the person of the requirements of this  
9 subsection and s. 302.113 (3). If the court provides under sub. (3m) that the person  
10 is eligible for the challenge incarceration program, the court shall also inform the  
11 person of the provisions of s. 302.045 (3m).

12 (5) EXTENDED SUPERVISION CONDITIONS. Whenever the court imposes a  
13 bifurcated sentence under sub. (1), the court may impose conditions upon the term  
14 of extended supervision.

15 (6) NO PAROLE. A person serving a bifurcated sentence imposed under sub. (1)  
16 is not eligible for release on parole.

17 (7) NO DISCHARGE. The department of corrections may not discharge a person  
18 who is serving a bifurcated sentence from custody, control and supervision until the  
19 person has served the entire bifurcated sentence.

20 **SECTION 183.** 973.013 (1) (b) of the statutes is amended to read:

21 973.013 (1) (b) The Except as provided in s. 973.01, the sentence shall have the  
22 effect of a sentence at hard labor for the maximum term fixed by the court, subject  
23 to the power of actual release from confinement by parole by the department or by  
24 pardon as provided by law. If a person is sentenced for a definite time for an offense  
25 for which the person may be sentenced under this section, the person is in legal effect

1 sentenced as required by this section, said definite time being the maximum period.  
2 A defendant convicted of a crime for which the minimum penalty is life shall be  
3 sentenced for life.

4 **SECTION 184.** 973.013 (2) of the statutes is amended to read:

5 973.013 (2) Upon the recommendation of the department, the governor may,  
6 without the procedure required by ch. 304, discharge absolutely, or upon such  
7 conditions and restrictions and under such limitation as the governor thinks proper,  
8 any inmate committed to the Wisconsin state prisons after he or she has served the  
9 minimum term of punishment prescribed by law for the offense for which he or she  
10 was sentenced, except that if the term was life imprisonment, 5 years must elapse  
11 after release on parole or extended supervision before such a recommendation can  
12 be made to the governor. The discharge has the effect of an absolute or conditional  
13 pardon, respectively.

14 **SECTION 185.** 973.0135 (2) (intro.) of the statutes is amended to read:

15 973.0135 (2) (intro.) Except as provided in sub. (3), when a court sentences a  
16 prior offender to imprisonment in a state prison for a serious felony committed on or  
17 after April 21, 1994, but before July 1, 1999, the court shall make a parole eligibility  
18 determination regarding the person and choose one of the following options:

19 **SECTION 186.** 973.014 (title) of the statutes is amended to read:

20 **973.014 (title) Sentence of life imprisonment; parole eligibility**  
21 **determination; extended supervision eligibility determination.**

22 **SECTION 187.** 973.014 (1) (intro.) of the statutes is amended to read:

23 973.014 (1) (intro.) Except as provided in sub. (2), when a court sentences a  
24 person to life imprisonment for a crime committed on or after July 1, 1988, but before

1 July 1, 1999, the court shall make a parole eligibility determination regarding the  
2 person and choose one of the following options:

3 **SECTION 188.** 973.014 (1) (c) of the statutes is amended to read:

4 973.014 (1) (c) The person is not eligible for parole. This paragraph applies only  
5 if the court sentences a person for a crime committed on or after August 31, 1995, but  
6 before July 1, 1999.

7 **SECTION 189.** 973.014 (1g) of the statutes is created to read:

8 973.014 (1g) (a) Except as provided in sub. (2), when a court sentences a person  
9 to life imprisonment for a crime committed on or after July 1, 1999, the court shall  
10 make an extended supervision eligibility date determination regarding the person  
11 and choose one of the following options:

12 1. The person is eligible for release to extended supervision after serving 20  
13 years.

14 2. The person is eligible for release to extended supervision on a date set by the  
15 court. Under this subdivision, the court may set any later date than that provided  
16 in subd. 1., but may not set a date that occurs before the earliest possible date under  
17 subd. 1.

18 3. The person is not eligible for release to extended supervision.

19 (b) When sentencing a person to life imprisonment under par. (a), the court  
20 shall inform the person of the provisions of s. 302.114 (3) and the procedure for  
21 petitioning under s. 302.114 (5) for release to extended supervision.

22 (c) A person sentenced to life imprisonment under par. (a) is not eligible for  
23 release on parole.

24 **SECTION 190.** 973.014 (2) of the statutes is amended to read:

1           973.014 (2) When a court sentences a person to life imprisonment under s.  
2           939.62 (2m), the court shall provide that the sentence is without the possibility of  
3           parole or extended supervision.

4           **SECTION 191.** 973.02 of the statutes is amended to read:

5           **973.02 Place of imprisonment when none expressed.** Except as provided  
6           in ~~s. ss. 973.01 (2) (bm) 1. and 973.032~~, if a statute authorizes imprisonment for its  
7           violation but does not prescribe the place of imprisonment, a sentence of less than  
8           one year shall be to the county jail, a sentence of more than one year shall be to the  
9           Wisconsin state prisons and the minimum under the indeterminate sentence law  
10          shall be one year, and a sentence of one year may be to either the Wisconsin state  
11          prisons or the county jail. In any proper case, sentence and commitment may be to  
12          the department or any house of correction or other institution as provided by law or  
13          to detention under s. 973.03 (4).

14          **SECTION 192.** 973.032 (1) of the statutes is amended to read:

15          973.032 (1) SENTENCE. Beginning July 1, 1992, a court may sentence a person  
16          who is convicted of a felony occurring on or after August 15, 1991, but before July 1,  
17          1999, to participate in the intensive sanctions program under s. 301.048. If a person  
18          is convicted of a felony occurring on or after July 1, 1999, a court may not sentence  
19          the person to participate in the intensive sanctions program under s. 301.048.

20          **SECTION 193.** 973.032 (5) of the statutes is amended to read:

21          973.032 (5) (title) PAROLE OR EXTENDED SUPERVISION RESTRICTIONS. A person  
22          sentenced under sub. (1) is eligible for parole, except as provided in ss. 302.11, 304.02  
23          and 304.06, or is eligible for release to extended supervision, whichever is applicable.

24          **SECTION 194.** 973.10 (1) of the statutes is amended to read:

1           973.10 (1) Imposition of probation shall have the effect of placing the defendant  
2 in the custody of the department and shall subject the defendant to the control of the  
3 department under conditions set by the court and rules and regulations established  
4 by the department for the supervision of probationers ~~and, parolees~~ and persons on  
5 extended supervision.

6           **SECTION 195.** 973.15 (1) of the statutes is amended to read:

7           973.15 (1) Except as provided in ~~s.~~ ss. 973.01 (2) (bm) 1. and 973.032, all  
8 sentences to the Wisconsin state prisons shall be for one year or more. Except as  
9 otherwise provided in this section, all sentences commence at noon on the day of  
10 sentence, but time which elapses after sentence while the convicted offender is at  
11 large on bail shall not be computed as any part of the term of imprisonment.

12           **SECTION 196.** 973.15 (2) (b) of the statutes is amended to read:

13           973.15 (2) (b) The court may not impose a sentence to the intensive sanctions  
14 program consecutive to any other sentence. The court may not impose a sentence to  
15 the intensive sanctions program concurrent with a sentence imposing  
16 imprisonment, except that the court may impose a sentence to the program  
17 concurrent with an imposed and stayed imprisonment sentence or with a prison  
18 sentence for which the offender has been released on extended supervision or parole.  
19 The court may impose concurrent intensive sanctions program sentences. The court  
20 may impose an intensive sanctions program sentence concurrent to probation. The  
21 court may impose any sentence for an escape from a sentence to the intensive  
22 sanctions program concurrent with the sentence to the intensive sanctions program.

23           **SECTION 197.** 973.15 (6) of the statutes is amended to read:

1           973.15 (6) Sections 302.11 and 304.06 are applicable to an inmate serving a  
2 sentence to the Wisconsin state prisons for a crime committed before July 1, 1999,  
3 but confined in a federal institution or an institution in another state.

4           **SECTION 198.** 973.155 (1) (b) of the statutes is amended to read:

5           973.155 (1) (b) The categories in par. (a) include custody of the convicted  
6 offender which is in whole or in part the result of a probation, extended supervision  
7 or parole hold under s. 304.06 (3) or 973.10 (2) placed upon the person for the same  
8 course of conduct as that resulting in the new conviction.

9           **SECTION 199.** 973.155 (2) of the statutes is amended to read:

10          973.155 (2) After the imposition of sentence, the court shall make and enter a  
11 specific finding of the number of days for which sentence credit is to be granted,  
12 which finding shall be included in the judgment of conviction. In the case of  
13 revocation of probation, extended supervision or parole, the department, if the  
14 hearing is waived, or the division of hearings and appeals in the department of  
15 administration, in the case of a hearing, shall make such a finding, which shall be  
16 included in the revocation order.

17          **SECTION 200.** 973.155 (5) of the statutes is amended to read:

18          973.155 (5) If this section has not been applied at sentencing to any person who  
19 is in custody or to any person who is on probation, extended supervision or parole,  
20 the person may petition the department to be given credit under this section. Upon  
21 proper verification of the facts alleged in the petition, this section shall be applied  
22 retroactively to the person. If the department is unable to determine whether credit  
23 should be given, or otherwise refuses to award retroactive credit, the person may  
24 petition the sentencing court for relief. This subsection applies to any person,  
25 regardless of the date he or she was sentenced.

1           **SECTION 201.** 973.20 (1r) of the statutes is amended to read:

2           973.20 (1r) When imposing sentence or ordering probation for any crime for  
3 which the defendant was convicted, the court, in addition to any other penalty  
4 authorized by law, shall order the defendant to make full or partial restitution under  
5 this section to any victim of a crime considered at sentencing or, if the victim is  
6 deceased, to his or her estate, unless the court finds substantial reason not to do so  
7 and states the reason on the record. Restitution ordered under this section is a  
8 condition of probation, extended supervision or parole served by the defendant for  
9 a crime for which the defendant was convicted. After the termination of probation,  
10 extended supervision or parole, or if the defendant is not placed on probation,  
11 extended supervision or parole, restitution ordered under this section is enforceable  
12 in the same manner as a judgment in a civil action by the victim named in the order  
13 to receive restitution or enforced under ch. 785.

14           **SECTION 202.** 973.20 (10) of the statutes is amended to read:

15           973.20 (10) The court may require that restitution be paid immediately, within  
16 a specified period or in specified instalments. If the defendant is placed on probation  
17 or sentenced to imprisonment, the end of a specified period shall not be later than  
18 the end of any period of probation, extended supervision or parole. If the defendant  
19 is sentenced to the intensive sanctions program, the end of a specified period shall  
20 not be later than the end of the sentence under s. 973.032 (3) (a).

21           **SECTION 203.** 975.10 (1) of the statutes is amended to read:

22           975.10 (1) Any person committed as provided in this chapter may be paroled  
23 if it appears to the satisfaction of the department of health and family services after  
24 recommendation by a special review board, appointed by the department, a majority  
25 of whose members shall not be connected with the department, that the person is

1 capable of making an acceptable adjustment in society. Before a person is released  
2 on parole under this section, the department of health and family services shall so  
3 notify the municipal police department and county sheriff for the area where the  
4 person will be residing. The notification requirement does not apply if a municipal  
5 department or county sheriff submits to the department of health and family services  
6 a written statement waiving the right to be notified. Probation, extended  
7 supervision and parole agents of the department of corrections shall supervise  
8 persons paroled under this section.

9 **SECTION 204.** 976.03 (3) of the statutes is amended to read:

10 976.03 (3) FORM OF DEMAND. No demand for the extradition of a person charged  
11 with a crime in another state shall be recognized by the governor unless in writing  
12 alleging, except in cases arising under sub. (6), that the accused was present in the  
13 demanding state at the time of the commission of the alleged crime, and that  
14 thereafter the accused fled from the state, and accompanied by a copy of an  
15 indictment found or by an information supported by affidavit in the state having  
16 jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there,  
17 together with a copy of any warrant which was issued thereon; or by a copy of a  
18 judgment of conviction or of a sentence imposed in execution thereof, together with  
19 a statement by the executive authority of the demanding state that the person  
20 claimed has escaped from confinement or has broken the terms of the person's bail,  
21 probation, extended supervision or parole. The indictment, information or affidavit  
22 made before the magistrate must substantially charge the person demanded with  
23 having committed a crime under the law of that state; and the copy of indictment,  
24 information, affidavit, judgment of conviction or sentence must be authenticated by  
25 the executive authority making the demand.

1           **SECTION 205.** 976.03 (13) of the statutes is amended to read:

2           976.03 (13) ARREST PRIOR TO REQUISITION. Whenever any person within this  
3 state shall be charged on the oath of any credible person before any judge of this state  
4 with the commission of any crime in any other state and, except in cases arising  
5 under sub. (6), with having fled from justice, or with having been convicted of a crime  
6 in that state and having escaped from confinement, or having broken the terms of  
7 his or her bail, probation, extended supervision or parole, or whenever complaint  
8 shall have been made before any judge in this state setting forth on the affidavit of  
9 any credible person in another state that a crime has been committed in such other  
10 state and that the accused has been charged in such state with the commission of the  
11 crime, and, except in cases arising under sub. (6), has fled from justice, or with having  
12 been convicted of a crime in that state and having escaped from confinement, or  
13 having broken the terms of his or her bail, probation, extended supervision or parole,  
14 and is believed to be in this state, the judge shall issue a warrant directed to any  
15 peace officer commanding the officer to apprehend the person named therein,  
16 wherever the person may be found in this state, and to bring the person before the  
17 same or any other judge or court who or which may be available in or convenient of  
18 access to the place where the arrest may be made, to answer the charge or complaint  
19 and affidavit; and a certified copy of the sworn charge or complaint and affidavit upon  
20 which the warrant is issued shall be attached to the warrant.

21           **SECTION 206.** 976.03 (22) of the statutes is amended to read:

22           976.03 (22) FUGITIVES FROM THIS STATE, DUTY OF GOVERNOR. Whenever the  
23 governor of this state shall demand a person charged with crime or with escaping  
24 from confinement or breaking the terms of his or her bail, probation, extended  
25 supervision or parole in this state from the executive authority of any other state, or

1 from the chief justice or an associate justice of the district court of the United States  
2 for the District of Columbia authorized to receive such demand under the laws of the  
3 United States, the governor shall issue a warrant under the seal of this state, to some  
4 agent, commanding the agent to receive the person so charged if delivered to the  
5 agent and convey the person to the proper officer of the county in this state in which  
6 the offense was committed.

7 **SECTION 207.** 976.03 (23) (b) of the statutes is amended to read:

8 976.03 **(23)** (b) When the return to this state is required of a person who has  
9 been convicted of a crime in this state and has escaped from confinement or broken  
10 the terms of his or her bail, probation, extended supervision or parole, the  
11 prosecuting attorney of the county in which the offense was committed, the secretary  
12 of corrections, or the warden of the institution or sheriff of the county from which  
13 escape was made, shall present to the governor a written application for a requisition  
14 for the return of the person, in which application shall be stated the name of the  
15 person, the crime of which the person was convicted, the circumstances of escape  
16 from confinement or of the breach of the terms of bail, probation, extended  
17 supervision or parole, and the state in which the person is believed to be, including  
18 the location of the person therein at the time application is made.

19 **SECTION 208.** 976.03 (27) (a) of the statutes is amended to read:

20 976.03 **(27)** (a) Any person arrested in this state charged with having  
21 committed any crime in another state or alleged to have escaped from confinement,  
22 or broken the terms of his or her bail, probation, extended supervision or parole may  
23 waive the issuance and service of the warrant provided for in subs. (7) and (8) and  
24 all other procedure incidental to extradition proceedings, by executing or subscribing  
25 in the presence of a judge of any court of record within this state a writing which

1 states that the person consents to return to the demanding state; however, before  
2 such waiver shall be executed or subscribed by such person the judge shall inform  
3 such person of the person's rights to the issuance and service of a warrant of  
4 extradition and to commence an action for habeas corpus as provided in sub. (10).

5 **SECTION 209.** 976.05 (3) (a) of the statutes is amended to read:

6 976.05 (3) (a) Whenever a person has entered upon a term of imprisonment in  
7 a penal or correctional institution of a party state, and whenever during the  
8 continuance of the term of imprisonment there is pending in any other party state  
9 any untried indictment, information or complaint on the basis of which a detainer  
10 has been lodged against the prisoner, the prisoner shall be brought to trial within 180  
11 days after the prisoner has caused to be delivered to the prosecuting officer and the  
12 appropriate court of the prosecuting officer's jurisdiction written notice of the place  
13 of his or her imprisonment and his or her request for a final disposition to be made  
14 of the indictment, information or complaint, but for good cause shown in open court,  
15 the prisoner or the prisoner's counsel being present, the court having jurisdiction of  
16 the matter may grant any necessary or reasonable continuance. The request of the  
17 prisoner shall be accompanied by a certificate of the appropriate official having  
18 custody of the prisoner, stating the term of commitment under which the prisoner is  
19 being held, the time already served, the time remaining to be served on the sentence,  
20 the amount of good time earned, the time of parole eligibility or date of release to  
21 extended supervision of the prisoner and any decisions of the department relating  
22 to the prisoner.

23 **SECTION 210.** 976.05 (4) (b) of the statutes is amended to read:

24 976.05 (4) (b) Upon receipt of the officer's written request under par. (a), the  
25 appropriate authorities having the prisoner in custody shall furnish the officer with

1 a certificate stating the term of commitment under which the prisoner is being held,  
2 the time already served, the time remaining to be served on the sentence, the amount  
3 of good time earned, the time of parole eligibility or date of release to extended  
4 supervision of the prisoner, and any decisions of the state parole agency relating to  
5 the prisoner. Said authorities simultaneously shall furnish all other officers and  
6 appropriate courts in the receiving state who lodged detainers against the prisoner  
7 with similar certificates and with notices informing them of the request for custody  
8 or availability and of the reasons therefor.

9 **SECTION 211.** 977.05 (6) (h) (intro.) of the statutes is amended to read:

10 977.05 (6) (h) (intro.) The state public defender may not provide legal services  
11 or assign counsel in parole or extended supervision revocation proceedings unless all  
12 of the following apply:

13 **SECTION 212.** 977.05 (6) (h) 1. of the statutes is amended to read:

14 977.05 (6) (h) 1. The parolee or person on extended supervision is contesting  
15 the revocation of parole or extended supervision.

16 **SECTION 213.** 977.05 (6) (h) 2. of the statutes is amended to read:

17 977.05 (6) (h) 2. The department of corrections seeks to have the parolee or  
18 person on extended supervision imprisoned upon the revocation of parole or  
19 extended supervision.

20 **SECTION 214.** 978.07 (1) (c) 1. of the statutes is amended to read:

21 978.07 (1) (c) 1. Any case record of a felony punishable by life imprisonment  
22 or a related case, after the defendant's parole eligibility date under s. 304.06 (1) or  
23 973.014 (1) or date of eligibility for release to extended supervision under s. 973.014  
24 (1g) (a) 1. or 2., whichever is applicable, or 50 years after the commencement of the  
25 action, whichever occurs later. If there is no parole eligibility date or no date for

1 release to extended supervision, the district attorney may destroy the case record  
2 after the defendant's death.

3 **SECTION 215.** 980.015 (2) (a) of the statutes is amended to read:

4 980.015 (2) (a) The anticipated discharge from a sentence, anticipated release  
5 on parole or extended supervision or anticipated release from imprisonment of a  
6 person who has been convicted of a sexually violent offense.

7 **SECTION 216.** 980.02 (1) (b) 2. of the statutes is amended to read:

8 980.02 (1) (b) 2. The county in which the person will reside or be placed upon  
9 his or her discharge from a sentence, release on parole or extended supervision,  
10 release from imprisonment, from a secured correctional facility, as defined in s.  
11 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or  
12 from a commitment order.

13 **SECTION 217.** 980.02 (2) (ag) of the statutes is amended to read:

14 980.02 (2) (ag) The person is within 90 days of discharge or release, on parole,  
15 extended supervision or otherwise, from a sentence that was imposed for a conviction  
16 for a sexually violent offense, from a secured correctional facility, as defined in s.  
17 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), if the  
18 person was placed in the facility for being adjudicated delinquent under s. 938.34 on  
19 the basis of a sexually violent offense or from a commitment order that was entered  
20 as a result of a sexually violent offense.

21 **SECTION 218.** 980.02 (4) (am) of the statutes is amended to read:

22 980.02 (4) (am) The circuit court for the county in which the person will reside  
23 or be placed upon his or her discharge from a sentence, release on parole or extended  
24 supervision, release from imprisonment, from a secured correctional facility, as

1 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02  
2 (15g), or from a commitment order.

3 **SECTION 219. Nonstatutory provisions.**

4 (1) CRIMINAL CODE STUDY COMMITTEE.

5 (a) In this subsection, "criminal code" means chapters 939 to 951 of the statutes.

6 (b) There is established a committee under section 15.01 (3) of the statutes  
7 called the criminal code study committee consisting of the following members:

8 1. . Two judges appointed by the supreme court.

9 2. . The majority leader in each house, or his or her designee.

10 3. . The minority leader in each house, or his or her designee.

11 4. . One faculty member from the law school of the University of Wisconsin  
12 appointed by the governor.

13 5. . One faculty member from the law school of Marquette University  
14 appointed by the governor.

15 6. . The attorney general or his or her designee.

16 7. . One current district attorney appointed by the attorney general.

17 8. . The state public defender or his or her designee.

18 9. . One representative of crime victims appointed by the attorney general.

19 10. . One member of the criminal law section of the state bar appointed by the  
20 governor.

21 11. . One representative of law enforcement agencies appointed by the  
22 governor.

23 12. . Three public members appointed by the governor.

24 13. . The secretary of corrections or his or her designee.

1 (c) The governor shall appoint one member of the committee to be chairperson  
2 and one member of the committee to be reporter for the committee.

3 (d) The department of administration shall provide staff services to the  
4 committee. The department of corrections shall assign a department of corrections  
5 attorney to provide legal services to the committee.

6 (e) The committee shall study the classification of criminal offenses in the  
7 criminal code, the penalties for all felonies and issues relating to the implementation  
8 of the changes in sentencing made by this act. In addition, the committee shall make  
9 recommendations concerning all of the following:

10 1. . Creating a uniform classification system for all felonies, including felonies  
11 outside of the criminal code.

12 2. . Classifying each felony in a manner that places crimes of similar severity  
13 into the same classification.

14 3. . Consolidating all felonies into a single criminal code.

15 4. . The creation of a sentencing commission to promulgate sentencing  
16 guidelines for use by judges when imposing sentence under section 973.01 of the  
17 statutes, as created by this act.

18 5. . Temporary sentencing guidelines for use by judges when imposing  
19 sentence under section 973.01 of the statutes, as created by this act, during the  
20 period before the promulgation of sentencing guidelines by a sentencing commission.

21 6. . Changing the administrative rules of the department of corrections to  
22 ensure that a person who violates a condition of extended supervision imposed as  
23 part of a sentence under section 973.01 of the statutes, as created by this act, is  
24 returned to prison promptly and for an appropriate period of time.

1           (f) No later than January 1, 1999, the committee shall submit a report of its  
2 findings and recommendations to the legislature in the manner provided under  
3 section 13.172 (2) of the statutes. The report shall include any proposed legislation  
4 that is necessary to implement the recommendations made by the committee in its  
5 report.

6

**(END)**