

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB3)

Received: **01/25/2001**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Walker (608) 266-9180**

By/Representing: **Missy**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Alt. Drafters:

Subject: **Correctional System - ext superv
Correctional System - parole
Criminal Law - sentencing**

Extra Copies: **rlr**

Pre Topic:

No specific pre topic given

Topic:

Modification of sentence based on terminal illness

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 01/30/2001	csicilia 01/30/2001		_____			
/1			pgreensl 01/31/2001	_____	lrb_docadmin 01/31/2001	lrb_docadmin 01/31/2001	

FE Sent For:

<END>

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1/?	mdsida	1 cjs 1/30 01	1/30 p8	1/31 PG/RS			

FE Sent For:

<END>

Dsida, Michael

From: Gilbert, Melissa
Sent: Friday, January 26, 2001 12:06 PM
To: Dsida, Michael
Subject: RE: AB 3

Yes to 1, 2 and 4. No to 3. Thanks!

-----Original Message-----

From: Dsida, Michael
Sent: Friday, January 26, 2001 10:31 AM
To: Gilbert, Melissa
Subject: RE: AB 3

Med. records

1. Do you want this to cover prisoners serving parole-eligible ("old world") sentences?
2. Should I have the prison review committee screen the case, with the court making the ultimate determination (in the same way as the geriatric release provisions will work)?
3. Do you want to require that the person have served a certain portion of the sentence before becoming eligible for medical release? (It's 5 or 10 years -- depending on the case -- in the geriatric release provisions.)
4. Persons serving life sentences and persons convicted of Class B felonies are ineligible for geriatric release. Do you want any comparable limitations here?

> -----Original Message-----

> **From:** Gilbert, Melissa
> **Sent:** Thursday, January 25, 2001 6:52 PM
> **To:** Dsida, Michael
> **Subject:** AB 3

Shd.

cont'd trtmt in prison

>
> Hey Mike,
>
> Here's the amendment request I referenced earlier...
>
> we would like to draft a terminal illness clause similar in
> process to the geriatric clause. Two doctors would have to
> sign an affidavit that the inmate has less than six months to
> live (definition of terminal illness under federal law,
> apparently). The inmate would remain under the supervision of
> DOC for the remainder of his/her sentence. In case of
> remission, the inmate will be returned to confinement.

> *No, per Missy
(b/c of const'l
q's)*

> I look forward to your call, since I'm sure you'll have questions:)

> **Melissa Gilbert**
> **Research Assistant**
> **Office of Rep. Scott Walker**
>

Dsida, Michael

From: Gilbert, Melissa
Sent: Monday, January 29, 2001 11:50 AM
To: Dsida, Michael
Subject: RE: geriatric/medical release

Mike,

Good points. So good that we've decided to not grant the terminally ill release to old world inmates either. Please apply both provisions to new world prisoners only.

Thanks,
Missy

-----Original Message-----

From: Dsida, Michael
Sent: Friday, January 26, 2001 2:14 PM
To: Gilbert, Melissa
Subject: RE: geriatric/medical release

There are 2 issues you may want to consider when thinking about either geriatric or medical releases:

1. The belief that persons on parole are not closely supervised

Arguably, if someone is released under one of these plans to extended supervision, DOC will supervise the person closely. Parole supervision is not thought of in the same way. Of course, it may not matter if the person is terminally ill or, in most cases, if a person meets the geriatric release requirements. Minimal parole supervision may be sufficient in either case. If it is not, you could always include provisions to bolster the supervision. You might even want the court, when approving the release, to place the person on -- or on something closely resembling -- extended supervision.

2. Discharges from parole

Under s. 302.11 (6), the "department may discharge a parolee on or after his or her mandatory release date or after 2 years of supervision." There is no comparable provision that applies to ES. A person must serve the entire term of ES that the judge imposes (unless the term of ES is shortened as a result of revocation (with the term of ES being shortened by the amount of time the person serves in prison upon revocation)). Thus, while a person released under either of these programs from a bifurcated sentence will spend extra time on ES, a person released from an old world sentence will not spend any extra time on parole. Of course, if you would like, I can amend s. 302.11 (6) to require that a person released under one of these programs serve some additional specified period of time under some form of DOC supervision. (Such an amendment would be more relevant for the geriatric releases, since persons released as a result of a terminal illness may not even live to the 2-year mark.)

> -----Original Message-----

> **From:** Gilbert, Melissa
> **Sent:** Friday, January 26, 2001 1:44 PM
> **To:** Dsida, Michael
> **Subject:** RE: geriatric/medical release

>

> I think so -- unless you can think of some inequity created by that.

>

> -----Original Message-----

> **From:** Dsida, Michael
> **Sent:** Friday, January 26, 2001 1:27 PM
> **To:** Gilbert, Melissa
> **Subject:** geriatric/medical release

>

> The geriatric release provisions only apply to bifurcated
> sentences under your bill. Since I will be covering
> old-world sentences with the medical release provisions, do
> you want the geriatric release provisions to apply to
> old-world sentences too?



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa0091(2)

MGD:.....

cjs
1

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT ,

TO 2001 ASSEMBLY BILL 3

Wed
10 AM

1 At the locations indicated, amend the bill as follows:

2 1. Page ⁶⁶ 2, line ¹⁴ 2: delete that line and substitute:

3 "302.113 (9^B) (a) In this subsection:

4 1. "Program review committee" means the".

5 2. Page ⁶⁶ 2, line ¹⁷ 2: after that line insert:

6 ~~2.~~ ^{keep} "Terminal condition" means an incurable condition afflicting a person,
7 caused by injury, disease, or illness, as a result of which the person has a medical
8 prognosis that his or her life expectancy is 6 months or less, even with available
9 life-sustaining treatment provided in accordance with the prevailing standard of
10 medical care."

11 3. Page ⁶⁶ 2, line ~~2~~ ²⁴ 2: after that line insert:

12 "3. The inmate has a terminal condition."

