

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: **03/27/2002**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Engel**

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

Drafter: **mdsida**

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Subject: **Correctional System - int sanct**

Extra Copies: **rpn**

Submit via email: **NO**

Pre Topic:

SCC:.....Engel - CN5506,

Topic:

Reinstate intensive sanctions program

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 03/29/2002	gilfokm 03/29/2002		_____			
/1			jfrantze 03/29/2002	_____	lrb_docadmin 04/01/2002		

FE Sent For:

<END>

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/?	mdsida	3/29 Kmp	3/29	3/29 gmk			

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CORRECTIONS

Reinstate the Intensive Sanctions Program. Provide funding and positions to support a population of 400 offenders, and reduce prison contract bed funding per instructions from Jere Bauer at LFB. Also make statutory modifications to permit the reinstatement of the program.

[Adopt options A2 and B1 from LFB paper #354 from the 2001-03 biennial budget deliberations, but delayed by one year.]

CN 5506

MGD



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 31, 2001

Joint Committee on Finance

Paper #354

Intensive Sanctions Program (DOC -- Community Corrections)

CURRENT LAW

A person may be sentenced by the court to the intensive sanctions program for a felony offense occurring between August 15, 1991, and December 30, 1999. A person sentenced for a felony occurring on or after December 31, 1999: (a) may not be sentenced to the program; (b) is not eligible for the program while serving the confinement portion of a bifurcated sentence; and (c) may be placed in the program as a condition of extended supervision.

GOVERNOR

No provision.

DISCUSSION POINTS

1. The Department of Corrections administers the intensive sanctions program. The program is designed to provide: (a) punishment that is less costly than ordinary imprisonment and more restrictive than ordinary probation or parole supervision or extended supervision; (b) component phases that are intensive and highly structured; and (c) a series of component phases for each participant that is based on public safety considerations and a participant's needs for punishment and treatment. The component phases are required to include one or more of the following sanctions: (a) confinement; (b) intensive or other field supervision; (c) electronic monitoring; (d) community service; (e) restitution; and (f) other programs as prescribed by the Department.

2. A person may be sentenced by the court to the intensive sanctions program for a felony offense occurring between August 15, 1991, and December 30, 1999. A person not

sentenced under a bifurcated sentence may also enter the intensive sanctions program if: (a) the person is a prisoner serving a felony sentence not punishable by life imprisonment and the Department of Corrections directs the person to participate in the program; or (b) the Parole Commission grants the person parole and requires the person to participate in the program as a condition of parole. Further, a person may be placed in the program if the Department and the person agree to his or her participation in the program as an alternative to revocation of probation, extended supervision or parole. Finally, a person sentenced for a felony occurring on or after December 31, 1999: (a) may not be sentenced to the program; (b) is not eligible for the program while serving the confinement portion of a bifurcated sentence; and (c) may be placed in the program as a condition of extended supervision.

3. In 1999 Act 9, the intensive sanctions program was modified to specify that a person who at any time has been convicted, adjudicated delinquent or found not guilty by reason of mental disease for a violent offense is not eligible for the program. As a result, individuals convicted of the following crimes may not be sentenced or placed in the program: (a) first-degree intentional homicide; (b) first-degree reckless homicide; (c) felony murder; (d) second-degree intentional homicide; (e) second-degree reckless homicide; (f) homicide by negligent handling of a dangerous weapon, explosives or fire; (g) homicide by intoxicated use of a vehicle or firearm; (h) homicide by negligent operation of a vehicle; (i) certain battery offenses causing substantial or great bodily harm; (j) certain battery offenses to an unborn child causing substantial or great bodily harm; (k) special circumstance battery offenses; (l) battery or threats to witnesses; (m) battery or threat to a judge; (n) mayhem; (o) first-, second- and third-degree sexual assault; (p) reckless injury; (q) intentional or reckless maltreatment of vulnerable adults; (r) abuse of residents of penal facilities; (s) certain abuse and neglect of patients and residents; (t) kidnapping; (u) certain intimidation of a witness or victim offenses; (v) certain endangering safety by use of a dangerous weapon offenses; (w) sale, use, possession or transportation of machine guns or other weapons; (x) recklessly endangering safety; (z) tampering with household products; (aa) damage to the property of any person who serves on a grand or petit jury because of a verdict or indictment; (bb) damage or threat to property of a witness; (cc) damage or threat to property of a judge; (dd) arson; (ee) damage of property by explosives; (ff) arson with intent to defraud; (gg) sale, use, possession, manufacture or transportation of molotov cocktails; (hh) armed burglary; (ii) carjacking; (jj) threats to injure or accuse of a crime; (kk) robbery; (ll) assaults by prisoners; (mm) bomb scares; (nn) first- or second-degree sexual assault of a child; (oo) repeated acts of sexual assault with the same child; (pp) physical abuse of a child; (qq) causing mental harm to a child; (rr) sexual exploitation of a child; (ss) incest with a child; (tt) child enticement; (uu) solicitation of a child for prostitution; and (vv) abduction of another's child. In addition to the crimes listed above, violent offenses also include a crime under federal law, the law of another state or, prior to October 29, 1999, any Wisconsin law that is comparable to the crimes listed above. The modifications enacted in Act 9 were first applicable to persons placed in or sentenced to the program on October 29, 1999.

4. In September, 1997, the Department of Corrections administratively discontinued the use of the intensive sanctions program. As a result, the Department no longer administratively transfers offenders to intensive sanctions or uses the program as an alternative to the revocation of probation or parole. In addition, offenders are no longer paroled to the program. The number of

offenders in the program has decreased from a high of 1,628 offenders in the community in September, 1997, to 37 in May, 2001.

5. In SB 55, funding and positions associated with the intensive sanctions program (\$3,183,300 GPR in 2001-02 and \$3,185,400 GPR and 24.0 GPR positions annually) are reallocated to support increased community corrections resources in the probation, extended supervision and parole program.

6. In February, 1998, a review panel appointed by the Governor to evaluate the intensive sanctions program issued its recommendations. The panel expressed a number of concerns and criticisms of the program related to program administration, uses of the program and its mission. The panel's recommendations, generally, would have shifted the focus of the program to the supervision of high risk offenders after completion of their prison sentence (a "strict supervision" model). This proposal would have changed the statutory focus of the program from punishment that is less costly than ordinary imprisonment and more restrictive than ordinary probation or parole supervision, to an intensive probation and parole supervision program for high risk offenders at mandatory release from prison. To the extent that the panel's recommendations did not allow for earlier release of offenders to community supervision, but rather allowed for more intensive supervision of high risk offenders upon release, the "strict supervision" model would not have resulted in reduced costs.

7. In August, 1999, the Criminal Penalties Study Committee (a Committee created to recommend modifications to the bifurcated sentencing structure created in 1997 Act 283) recommended that community supervision of offenders serving extended supervision sentences be designed in a manner similar to the intensive sanctions review panel's "strict supervision" model. The Criminal Penalties Study Committee made no recommendations that would have allowed the intensive sanctions program to be utilized under a bifurcated sentence prior to an offender reaching the court-imposed extended supervision sentence.

8. To the extent that inmates are placed in the intensive sanctions program and are subsequently placed in the community, institutional prison populations are reduced. According to Corrections' 2000 Annual Fiscal Report, the annual cost per offender in the intensive sanctions program in 1999-00 was \$11,400, compared with the average cost of a correctional facility placement of \$22,600 annually. Currently, out-of-state contract prison beds cost \$16,100 annually.

9. As designed, the intensive sanctions program provided staffing at a one agent for every 25 offenders ratio, with approximately \$2,400 annually for the purchase of services for offenders. In addition, security supervision was provided on a one correctional officer to every 68 offender basis. Under the probation, extended supervision and parole program, agents currently have a budgeted caseload of approximately 54 offenders and a purchase of services budget of approximately \$237 per offender. Further, the probation, extended supervision and parole program does not utilize correctional officers.

10. Since the intensive sanctions program is designed to be "less costly than ordinary

imprisonment," the Committee could consider making some statutory modifications to the program to allow it to be used under bifurcated sentencing and providing funding and staff to support some modest level of program participation. Given that the program has been administratively discontinued and that funding and positions are reallocated under the bill to probation and parole staffing and purchase of services for offenders, it is assumed that additional resources would need to be provided in order for the intensive sanction program to be utilized in the 2001-03 biennium.

11. Given that state correctional institutions currently exceed operating capacity, inmate population growth is generally addressed by placing inmates in out-of-state contract beds. The following table indicates potential program costs and corresponding contract bed reductions that could be made if the intensive sanctions program was reestablished. The cost estimates assume that offenders will begin entering the program in January, 2002. During this period Corrections could begin to prepare for program initiation, identify offenders sentenced to prison for crimes occurring before December 31, 1999, who would be eligible for administrative transfer or parole to the program and inform the courts of the program as a revised sentencing option.

<u>Alternative</u>	<u>2001-02</u>		<u>2002-03</u>		<u>2001-03</u>
	<u>Amount</u>	<u>Positions</u>	<u>Amount</u>	<u>Positions</u>	<u>Amount</u>
300 Offenders:					
Program Costs	\$493,500	6.75	\$1,791,000	21.50	\$2,284,500
Contract Bed Offset	<u>-396,400</u>	<u>0.00</u>	<u>-3,182,200</u>	<u>0.00</u>	<u>-3,578,600</u>
Total	\$97,100	6.75	-\$1,391,200	21.50	-\$1,294,100
400 Offenders:					
Program Costs	\$697,300	9.25	\$2,206,700	29.00	\$2,904,000
Contract Bed Offset	<u>-566,300</u>	<u>0.00</u>	<u>-4,421,400</u>	<u>0.00</u>	<u>-4,987,700</u>
Total	\$131,000	9.25	-\$2,214,700	29.00	-\$2,083,700

12. In the table, the number of offenders (300 or 400) was established at a level that: (a) would generate cost savings; and (b) was assumed to be reasonable to achieve within the 2001-03 biennium.

13. The Committee should note that while the truth-in-sentencing law prohibits the use of the intensive sanctions program as part of the confinement portion of a bifurcated sentence, a person serving a bifurcated sentence may be eligible for the challenge incarceration program ("boot camp") if the sentencing court specifies that he or she is eligible. If an eligible person successfully completes the challenge incarceration program, a judge is required to reduce the prison portion of the sentence so the person is released to supervision, while the supervision portion of the sentence is increased by a corresponding amount, resulting in the same total sentence length.

14. If the Committee wishes, the intensive sanctions program could be modified in a manner similar to the challenge incarceration program to permit intensive sanctions to be used as an

alternative to a prison placement for offenders sentenced for crimes occurring on or after December 31, 1999. The following modifications could be made:

- a. Delete the requirement that a judge may not sentence an individual to the intensive sanctions program for an offense that occurs on or after December 31, 1999.
- b. Delete the provision that an offender convicted of an offense that occurs on or after December 31, 1999 is not eligible for the program while serving the confinement portion of a bifurcated sentence.
- c. Allow a judge at sentencing to determine if an offender is eligible for the program. Allow a sentencing judge to determine the date at which an offender may be eligible for release to the community portion of the program but specify that this may be no sooner than one year (the minimum amount of time an offender must serve in prison under a bifurcated sentence) or longer than two years (under current law, the maximum confinement time under the intensive sanction program is two years for offenses occurring before December 31, 1999).
- d. Require that the determination to place a person sentenced under a bifurcated sentence in the community portion of the intensive sanctions program is solely the discretion of the sentencing court, based on a recommendation from the Department of Corrections at the time of the potential placement decision.
- e. Provide that if a judge decides to hold a hearing regarding a potential intensive sanctions community placement, the court would be required to provide victim notification and allow victim statements at the hearing.
- f. Provide that if a judge decides to hold a hearing regarding a potential intensive sanctions community placement, the court would be required to notify the district attorney in the county that originally prosecuted the case.

ALTERNATIVES TO BILL

A. Intensive Sanctions Program Funding

1. Provide \$493,500 and 6.75 positions in 2001-02 and \$1,791,000 and 21.5 positions in 2002-03 to staff and fund the intensive sanctions program to support a population of 300 offenders. Reduce prison contract bed funding by \$396,400 in 2001-02 and \$3,182,200 in 2002-03 associated with decreased prison populations.

<u>Alternative 1</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	-\$1,294,100
2002-03 POSITIONS (Change to Bill)	21.50

2. Provide \$697,300 and 9.25 positions in 2001-02 and \$2,206,700 and 29.0 positions in 2002-03 to staff and fund the intensive sanctions program to support a population of 400 offenders. Reduce prison contract bed funding by \$566,300 in 2001-02 and \$4,421,400 in 2002-03 associated with decreased prison populations.

Alternative 2	GPR
2001-03 FUNDING (Change to Bill)	- \$2,083,700
2002-03 POSITIONS (Change to Bill)	29.00

3. Take no action.

B. Statutory Modifications

1. Modify current statutory language related to use of the intensive sanctions program under truth-in-sentencing to: (a) delete the requirement that a judge may not sentence an individual to the intensive sanctions program for an offense that occurs on or after December 31, 1999; (b) delete the provision that an offender convicted of an offense that occurs on or after December 31, 1999 is not eligible for the program while serving the confinement portion of a bifurcated sentence; (c) allow a judge at sentencing to determine if an offender is eligible for the program; (d) allow a sentencing judge to determine the date at which an offender may be eligible for release to the community portion of the program, but specify that this may be no sooner than one year or longer than two years; (e) require that the determination to place a person sentenced under a bifurcated sentence in the community portion of the intensive sanctions program is solely the discretion of the sentencing court, based on a recommendation from the Department of Corrections at the time of the potential placement decision; (f) specify that if a judge decides to hold a hearing regarding a potential intensive sanctions community placement, the court is required to provide victim notification and to allow victim statements at the hearing; and (g) specify that if a judge decides to hold a hearing regarding a potential intensive sanctions community placement, the court is required to notify the district attorney in the county that originally prosecuted the case.

2. Take no action.

Prepared by: Jere Bauer

D-Note

C Engel
A Keckhaver

ob/ Reinstate
Intensive sanctions program

1/2 Kmg

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 59**

(A)

(1)

Keep

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 ~~1. Page 195, line 3: increase the dollar amount for fiscal year 2001-02 by~~
- 3 ~~\$29,500 and increase the dollar amount for fiscal year 2002-03 by \$64,100 for the~~
- 4 ~~purpose of expanding the intensive sanctions program.~~
- 5 ~~2. Page 195, line 7: decrease the dollar amount for fiscal year 2001-02 by~~
- 6 ~~\$566,300 and decrease the dollar amount for fiscal year 2002-03 by \$4,421,400 for~~
- 7 ~~the purpose of reducing the number of prisoners confined in out-of-state prisons.~~
- 8 ~~3. Page 195, line 8: increase the dollar amount for fiscal year 2001-02 by~~
- 9 ~~\$355,800 to increase the authorized FTE positions for the department of corrections~~
- 10 ~~by 9.25 GPR positions for expanding the intensive sanctions program.~~

1 **4.** Page 195, line 8: increase the dollar amount for fiscal year 2002-03 by
2 \$1,182,600 to increase the authorized FTE positions for the department of
3 corrections by 29.0 GPR positions for expanding the intensive sanctions program.

4 **5.** Page 196, line 4: increase the dollar amount for fiscal year 2001-02 by
5 \$312,000 and increase the dollar amount for fiscal year 2002-03 by \$960,000 for the
6 purpose of expanding the intensive sanctions program.

7 **6.** Page ~~1077~~¹⁸⁷, line ~~18~~¹⁸⁶: after that line insert:

8 ~~SECTION 354a~~. 301.048 (2m) of the statutes is repealed.

9 ~~SECTION 354c~~. 301.048 (3) (a) (intro.) of the statutes is amended to read:

10 301.048 (3) (a) (intro.) The Subject to par. (bm), the department shall provide
11 each participant with one or more of the following sanctions:

12 ~~SECTION 354d~~. 301.048 (3) (a) 1. of the statutes is amended to read:

13 301.048 (3) (a) 1. Placement in a Type 1 prison or a jail, county reforestation
14 camp, residential treatment facility or community-based residential facility. The
15 Except as provided in par. (bm), the department may not place a participant under
16 this paragraph for more than one year ~~or, if applicable, the period specified by the~~
17 ~~court under s. 973.032 (3) (b), whichever is shorter, except as provided in s. 973.032~~
18 (4).

19 ~~SECTION 354db~~. 301.048 (3) (b) of the statutes is amended to read:

20 301.048 (3) (b) The Except as provided in par. (bm), the department may
21 provide the sanctions under par. (a) in any order and may provide more than one
22 sanction at a time. Subject to the cumulative time restrictions under ~~par.~~ par. (a)
23 1. and (bm) 2., the department may return to a sanction that was used previously for
24 a participant. A participant is not entitled to a hearing regarding the department's

1 exercise of authority under this subsection or its decision to not petition the court
2 under s. 973.032 (4m) (b) for permission to release a person from a placement under
3 par. (a) 1. unless the department provides for a hearing by rule.

4 SECTION ^{377bj}~~354d~~f. 301.048 (3) (bm) of the statutes is created to read:

5 301.048 (3) (bm) 1. The department shall initially place a person required to
6 participate in the intensive sanctions program under s. 973.032 (1) in a Type 1 prison
7 or a jail, county reforestation camp, residential treatment facility, or
8 community-based residential facility under par. (a) 1. Except as provided under
9 subd. 2. or unless, under sub. (4) (a), the person's extended supervision is revoked,
10 the department shall maintain the person in that placement until the court
11 authorizes the person's release from the placement under s. 973.032 (4m).

12 2. The department may not place a person described in subd. 1. in a placement
13 under par. (a) 1. for a total of more than 2 years.

14 SECTION ^{377bL}~~354e~~. 301.048 (4) (a) of the statutes is amended to read:

15 301.048 (4) (a) A participant is in the custody and under the control of the
16 department, subject to its rules and discipline. A participant entering the program
17 under sub. (2) (am) 1. is a prisoner, except that he or she is a person on extended
18 supervision for the purposes of revocation if the department is precluded under sub.
19 (3) (bm) 2. from placing the person under sub. (3) (a) 1. A participant entering the
20 program under sub. (2) (am) ~~1. or~~ 2. is a prisoner. A participant entering the program
21 under sub. (2) (am) 3. is a prisoner, except that he or she is a parolee for purposes of
22 revocation. A participant entering the program under sub. (2) (am) 3m. is a prisoner,
23 except that he or she remains a person on extended supervision for purposes of
24 revocation. A participant entering the program under sub. (2) (am) 4. is a prisoner,

1 except that he or she remains a probationer, parolee, or person on extended
2 supervision, whichever is applicable, for purposes of revocation.

3 SECTION ~~354f.~~ ^{377 bn} 301.048 (4) (ar) of the statutes is created to read:

4 301.048 (4) (ar) If a participant enters the program under sub. (2) (am) 1. and
5 his or her extended supervision is revoked, the time remaining on the bifurcated
6 sentence for the purposes of s. 302.113 (9) is the total length of the bifurcated
7 sentence, less time served by the person in custody under sub. (3) (a) 1. before release
8 to extended supervision.

9 SECTION ~~354g.~~ ^{377 bp} 301.048 (6) (a) of the statutes is amended to read:

10 301.048 (6) (a) Except as provided in ~~par. pars.~~ (b) and (c), the department may
11 discharge a participant from participation in the program and from departmental
12 custody and control at any time.

13 SECTION ~~354h.~~ ^{377 br} 301.048 (6) (c) of the statutes is created to read:

14 301.048 (6) (c) 1. If the department determines that a person participating
15 under sub. (2) (am) 1. has successfully completed the intensive sanctions program,
16 the department shall inform the court that sentenced the inmate.

17 2. Upon being informed by the department under subd. 1. that an inmate whom
18 the court sentenced under s. 973.01 has successfully completed the intensive
19 sanctions program, the court shall modify the inmate's bifurcated sentence as
20 follows:

21 a. The court shall reduce the term of confinement in prison portion of the
22 inmate's bifurcated sentence in a manner that provides for the release of the inmate
23 to extended supervision within 30 days of the date on which the court receives the
24 information from the department under subd. 1.

1 b. The court shall lengthen the term of extended supervision imposed so that
2 the total length of the bifurcated sentence originally imposed does not change. ". ✓

3 3. The court may not increase the total length of the bifurcated sentence when
4 modifying a bifurcated sentence under subd. 2.". *X*

5 ✓ 7. Page ¹⁸⁹~~1078~~, line ¹⁸~~2~~: after that line insert:

6 "SECTION ^{383m}~~3354~~x. 302.11 (1i) of the statutes is repealed."

7 ✓ 8. Page ¹⁹⁴~~1081~~, line ²⁰~~10~~: delete that line and substitute ^{exceed the time}~~the time remaining on the bifurcated~~ sentence. *bifurcated sentence is the total length of the*
8 The Except as provided in s. 301.048 (4) (ar).
9 the time remaining on the"

10 ✓ 9. Page ²⁰⁷~~1090~~, line ¹⁹~~10~~: after that line insert:

11 "SECTION ⁴²⁸~~3389~~m. 304.02 (4) of the statutes is repealed."

12 ✓ 10. Page ²⁰⁸~~1090~~, line ¹⁰~~21~~: after that line insert:

13 "SECTION ⁴³⁰~~3389~~m. 304.06 (1y) of the statutes is repealed."

14 ✓ 11. Page ²⁰⁸~~1089~~, line ^{delete}~~11~~: ^{and substitute}~~after~~ that line ^{insert}~~insert~~: "or" *S.*

15 "SECTION ¹³~~3389~~z. 304.07n (2) of the statutes is amended to read:

16 ^{✓ ✓} 304.071 (2) If a prisoner is not eligible for parole under s. 939.62 (2m) (c), ^{S. ✓} 961.49
17 ~~(2)~~, 973.01 (6), or 973.014 (1) (c) or (1g) or 973.032 (5), he or she is not eligible for
18 ~~parole under this section~~."

19 ✓ 12. Page ²⁹³~~1230~~, line ¹⁸~~24~~: after that line insert:

20 "SECTION ^{938m}~~3987~~. 950.04 (1v) (ve) of the statutes is created to read:

21 950.04 (1v) (ve) If a hearing is scheduled in response to a petition filed by the
22 department of corrections under s. 973.032 (4m) (b) for permission to release a person
23 from a placement in the intensive supervision program under s. 301.048 (3) (a) 1., to

1 have the appropriate clerk of court send the victim a copy of a petition and
2 notification of the hearing on that petition under s. 973.032 (4m) (c)."

3 ^{332 13 "under"}
✓ 13. Page ~~1260~~, line ~~8~~: after ~~that time~~ insert

4 "SECTION ~~4012b~~. 973.01 (4) of the statutes is amended to read:

5 ~~973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A~~
6 ~~person sentenced to a bifurcated sentence under sub. (1) shall serve the term of~~
7 ~~confinement in prison portion of the sentence without reduction for good behavior.~~
8 ~~The term of confinement in prison portion is subject to extension under s. 302.113 (3)~~
9 ~~and, if applicable, to reduction under s. 302.045 (3m) or 301.048 (6) (c)."~~

10 ✓ 14. Page ^{339 10} ~~1261~~, line ~~2~~: after that line insert:

11 "SECTION ¹¹³⁷ ~~4014p~~. 973.032 (title) of the statutes is amended to read:

12 **973.032 (title) Sentence to Required participation in intensive**
13 **sanctions program.**

14 SECTION ¹¹³⁷ ~~4014p~~. 973.032 (1) of the statutes is amended to read:

15 973.032 (1) SENTENCE AUTHORITY TO ORDER. Beginning July 1, 1992, Except as
16 provided in sub. (2), a court may sentence order a person who is convicted of a felony
17 occurring on or after August 15, 1991, but before December 31, 1999, to participate
18 in the intensive sanctions program under s. 301.048. If a person is convicted of a
19 felony occurring on or after December 31, 1999, a court may not sentence the person
20 to participate in the intensive sanctions program under s. 301.048 during the entire
21 term of confinement in prison portion of the bifurcated sentence.

22 SECTION ¹¹³⁷ ~~4014q~~. 973.032 (2) (a) of the statutes is amended to read:

23 973.032 (2) (a) A court may sentence order a person to participate in the
24 intensive sanctions program under sub. (1) if the department provides a presentence

1 investigation report recommending that the person be ~~sentenced to~~ ordered to
2 participate in the program. If the department does not make the recommendation,
3 a court may order the department to assess and evaluate the person. After that
4 assessment and evaluation, the court may ~~sentence~~ order the person to participate
5 in the program unless the department objects on the ground that it recommends that
6 the person be placed on probation.

7 SECTION ¹¹³⁷~~407A~~r. 973.032 (2) (b) of the statutes is amended to read:

8 973.032 (2) (b) Notwithstanding par. (a), the court may not ~~sentence~~ order a
9 person to participate in the intensive sanctions program under sub. (1) if he or she
10 is convicted of a felony punishable by life imprisonment or has at any time been
11 convicted, adjudicated delinquent, or found not guilty or not responsible by reason
12 of insanity or mental disease, defect, or illness for committing a violent offense, as
13 defined in s. 301.048 (2) (bm).

14 SECTION ¹¹³⁷~~407A~~s. 973.032 (3) (intro.) of the statutes is repealed.

15 SECTION ¹¹³⁷~~407A~~t. 973.032 (3) (a) of the statutes is repealed.

16 SECTION ¹¹³⁷~~407A~~u. 973.032 (3) (b) of the statutes is renumbered 973.032 (3) (b)
17 (intro.) and amended to read:

18 973.032 (3) (b) (intro.) ~~The~~ If the court orders a person to participate in the
19 intensive sanctions program under sub. (1), the court shall provide a maximum
20 period for placements do all of the following:

21 1. Order that the person be placed under s. 301.048 (3) (a) 1., ~~which may not~~
22 ~~exceed~~ for at least one year unless the defendant waives this requirement.

23 SECTION ¹¹³⁷~~407A~~um. 973.032 (3) (b) 2. of the statutes is created to read:

1 973.032 (3) (b) 2. Subject to the limitation imposed under s. 301.048 (3) (bm)
2 2., specify the date on which the person is eligible for release from that placement
3 under sub. (4m).

4 SECTION ¹¹³⁷~~401A~~v. 973.032 (3) (c) 2. of the statutes is amended to read:

5 973.032 (3) (c) 2. The court may prescribe reasonable and necessary conditions
6 of the sentence in accordance with s. 301.048 (3) in an order issued under sub. (1),
7 except the court may not specify a particular Type 1 prison, jail, camp, or facility
8 where the offender is to be placed under s. 301.048 (3) (a) and the court may not
9 restrict the department's authority under s. 301.048 (3) (b) or (c).

10 SECTION ¹¹³⁷~~401A~~w. 973.032 (4) of the statutes is repealed. " ✓

11 ✓ "SECTION ¹¹³⁸~~401A~~wh. 973.032 (4m) of the statutes is created to read:

12 973.032 (4m) RELEASE TO COMMUNITY. (a) In this subsection, "victim" has the
13 meaning given in s. 950.02 (4).

14 (b) No earlier than 30 days before the date specified by the court under sub. (3)
15 (b) 2., the department may petition the court for permission to release a person
16 subject to an order under sub. (1) from a placement described under s. 301.048 (3) (a)
17 1.

18 (c) Upon the filing of a petition under par. (b), the court, with or without a
19 hearing, may authorize the department to release the person from his or her
20 placement any time after the date specified under sub. (3) (b) 2. If the court schedules
21 a hearing on the petition, the clerk of the circuit court in which the petition is filed
22 shall send a copy of the petition and a notice of hearing to the victim of the crime
23 committed by the inmate, if the victim has submitted a card under par. (e) requesting
24 notification, at least 10 days before the date of the hearing.

339 13 ✓
Page, line, after that line insert:

1 (d) The notice under par. (c) shall inform the victim that he or she may appear
2 at the hearing and shall inform the victim of the manner in which he or she may
3 provide written statements concerning the inmate's petition for release to extended
4 supervision.

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

15 (f) If the court schedules a hearing on a petition filed under par. (b), the clerk
16 of the court shall provide a copy of the petition and a notice of the hearing to the
17 district attorney at least 10 days before the hearing.

18 SECTION ~~4014~~x. 973.032 (5) of the statutes is repealed.

19 SECTION ~~4014~~y. 973.032 (6) of the statutes is amended to read:

20 973.032 (6) CREDIT. Any sentence credit under s. 973.155 (1) applies toward
21 service of the period under sub. (3) (a) the term of confinement in prison portion of
22 the bifurcated sentence of a person who is subject to this section but does not apply
23 toward service of the period under sub. (3) (b).

24 SECTION ~~4014~~z. 973.032 (7) of the statutes is created to read:

1138

1 973.032 (7) PARTICIPANTS ON EXTENDED SUPERVISION. The court or the
 2 department may require a person ordered to participate in the intensive sanctions
 3 program under sub. (1) to remain in the intensive sanctions program as a condition
 4 of extended supervision, but subs. (2) to (6) do not apply to such persons once they
 5 are on extended supervision.”

6 ✓15. Page ³⁴²~~1271~~, line 6: after that line insert:

7 “SECTION ¹¹⁴³~~4023~~n. 973.20 (10) of the statutes is amended to read:

8 973.20 (10) The court may require that restitution be paid immediately, within
 9 a specified period or in specified ~~instalments~~ installments. If the defendant is placed
 10 on probation or sentenced to imprisonment, the end of a specified period shall not be
 11 later than the end of any period of probation, extended supervision, or parole. ~~If the~~
 12 ~~defendant is sentenced to the intensive sanctions program, the end of a specified~~
 13 ~~period shall not be later than the end of the sentence under s. 973.032 (3) (a).”~~

✓
Insert
10/13

14 ✓16. Page ⁴⁴⁴~~1316~~, line ⁽⁵⁾~~16~~: after that line insert:

15 “(12) ^{5ix}INTENSIVE SANCTIONS PROGRAM. The treatment of sections 301.048 (2m),
 16 (3) (a) (intro.) and 1., (b), and (bm), (4) (a) and (ar), and (6) (a) and (c), 302.11 (1i),
 17 302.113 (9) (a), 304.02 (4), 304.06 (1y), 304.071 (2), 950.04 (1v) (ve), 973.01 (4),
 18 973.032 (title), (2) (a) and (b), (3) (intro.), (a), and (c) 2., (4), (4m), (5), (6), and (7), and
 19 973.20 (10) of the statutes, the renumbering and amendment of section 973.032 (3)
 20 (b) of the statutes, and the creation of section 973.032 (3) (b) 2. of the statutes first
 21 apply to persons committing offenses on December 31, 1999.”

5ix
Place
in
corrections

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2788/lins
MGD:.....

1 INSERT 10/13

2 ✓ 1. Page 386, line 4: after that line insert:

3 "21vv
4 (21) INTENSIVE SANCTIONS PROGRAM EXPANSION; GENERAL PROGRAM OPERATIONS.

5 In the schedule under section 20.005 (3) of the statutes for the appropriation to the
6 department of corrections under section 20.410 (1) (a) of the statutes, as affected by
7 the acts of 2001, the dollar amount is increased by \$29,500 for fiscal year 2002-03
8 for the purpose of expanding the intensive sanctions program.

9 21vw
10 (21) INTENSIVE SANCTIONS PROGRAM EXPANSION; USE OF OUT-OF-STATE PRISONS. In
11 the schedule under section 20.005 (3) of the statutes for the appropriation to the
12 department of corrections under section 20.410 (1) (ab) of the statutes, as affected by
13 the acts of 2001, the dollar amount is decreased by \$566,300 for fiscal year 2002-03
14 for the purpose of reducing the number of prisoners confined in out-of-state prisons.

15 21vx
16 (21) INTENSIVE SANCTIONS PROGRAM EXPANSION; INCREASED POSITIONS. In the
17 schedule under section 20.005 (3) of the statutes for the appropriation to the
18 department of corrections under section 20.410 (1) (b) of the statutes, as affected by
19 the acts of 2001, the dollar amount is increased by \$355,800 for fiscal year 2002-03
20 to increase the authorized FTE positions for the department of corrections by 9.25
21 GPR positions for expanding the intensive sanctions program.

22 21vy
23 (21) INTENSIVE SANCTIONS PROGRAM EXPANSION; PURCHASE OF SERVICES. In the
24 schedule under section 20.005 (3) of the statutes for the appropriation to the
25 department of corrections under section 20.410 (1) (d) of the statutes, as affected by
26 the acts of 2001, the dollar amount is increased by \$312,000 for fiscal year 2002-03
27 for the purpose of expanding the intensive sanctions program."

approp. changes

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb2788/1dn

MGD:.....

mg

This amendment is substantively the same as LRBb0783/2, except ^{that} it does not contain s. 301.048 (6) (c) 3. That subdivision was redundant. More importantly, it does not appear in other provisions of the substitute amendment under which a sentence may be modified (such as s. 302.113 (9g) (f), which deals with modifying the sentence of a person with a terminal condition). Thus, if it were included, it might be improperly construed to imply that those other sentence modifications could involve increasing the total length of a person's sentence.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb2788/1dn
MGD:kmg:jf

March 29, 2002

This amendment is substantively the same as LRBb0783/2, except that it does not contain s. 301.048 (6) (c) 3. That subdivision was redundant. More importantly, it does not appear in other provisions of the substitute amendment under which a sentence may be modified (such as s. 302.113 (9g) (f), which deals with modifying the sentence of a person with a terminal condition). Thus, if it were included, it might be improperly construed to imply that those other sentence modifications could involve increasing the total length of a person's sentence.

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2788/1
MGD:hmb/jld/kmg:jf

SCC:.....Engel – CN5506, Reinstate intensive sanctions program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 187, line 7: after that line insert:

3 “SECTION 377bc. 301.048 (2m) of the statutes is repealed.

4 SECTION 377be. 301.048 (3) (a) (intro.) of the statutes is amended to read:

5 301.048 (3) (a) (intro.) The Subject to par. (bm), the department shall provide
6 each participant with one or more of the following sanctions:

7 SECTION 377bg. 301.048 (3) (a) 1. of the statutes is amended to read:

8 301.048 (3) (a) 1. Placement in a Type 1 prison or a jail, county reforestation
9 camp, residential treatment facility or community-based residential facility. The
10 Except as provided in par. (bm), the department may not place a participant under

1 this paragraph for more than one year ~~or, if applicable, the period specified by the~~
2 ~~court under s. 973.032 (3) (b), whichever is shorter, except as provided in s. 973.032~~
3 ~~(4).~~

4 **SECTION 377bi.** 301.048 (3) (b) of the statutes is amended to read:

5 301.048 (3) (b) The Except as provided in par. (bm), the department may
6 provide the sanctions under par. (a) in any order and may provide more than one
7 sanction at a time. Subject to the cumulative time restrictions under ~~par. pars.~~ (a)
8 1. and (bm) 2., the department may return to a sanction that was used previously for
9 a participant. A participant is not entitled to a hearing regarding the department's
10 exercise of authority under this subsection or its decision to not petition the court
11 under s. 973.032 (4m) (b) for permission to release a person from a placement under
12 par. (a) 1. unless the department provides for a hearing by rule.

13 **SECTION 377bj.** 301.048 (3) (bm) of the statutes is created to read:

14 301.048 (3) (bm) 1. The department shall initially place a person required to
15 participate in the intensive sanctions program under s. 973.032 (1) in a Type 1 prison
16 or a jail, county reforestation camp, residential treatment facility, or
17 community-based residential facility under par. (a) 1. Except as provided under
18 subd. 2. or unless, under sub. (4) (a), the person's extended supervision is revoked,
19 the department shall maintain the person in that placement until the court
20 authorizes the person's release from the placement under s. 973.032 (4m).

21 2. The department may not place a person described in subd. 1. in a placement
22 under par. (a) 1. for a total of more than 2 years.

23 **SECTION 377bL.** 301.048 (4) (a) of the statutes is amended to read:

24 301.048 (4) (a) A participant is in the custody and under the control of the
25 department, subject to its rules and discipline. A participant entering the program

1 under sub. (2) (am) 1. is a prisoner, except that he or she is a person on extended
2 supervision for the purposes of revocation if the department is precluded under sub.
3 (3) (bm) 2. from placing the person under sub. (3) (a) 1. A participant entering the
4 program under sub. (2) (am) 1. or 2. is a prisoner. A participant entering the program
5 under sub. (2) (am) 3. is a prisoner, except that he or she is a parolee for purposes of
6 revocation. A participant entering the program under sub. (2) (am) 3m. is a prisoner,
7 except that he or she remains a person on extended supervision for purposes of
8 revocation. A participant entering the program under sub. (2) (am) 4. is a prisoner,
9 except that he or she remains a probationer, parolee, or person on extended
10 supervision, whichever is applicable, for purposes of revocation.

11 **SECTION 377bn.** 301.048 (4) (ar) of the statutes is created to read:

12 301.048 (4) (ar) If a participant enters the program under sub. (2) (am) 1. and
13 his or her extended supervision is revoked, the time remaining on the bifurcated
14 sentence for the purposes of s. 302.113 (9) is the total length of the bifurcated
15 sentence, less time served by the person in custody under sub. (3) (a) 1. before release
16 to extended supervision.

17 **SECTION 377bp.** 301.048 (6) (a) of the statutes is amended to read:

18 301.048 (6) (a) Except as provided in ~~par.~~ pars. (b) and (c), the department may
19 discharge a participant from participation in the program and from departmental
20 custody and control at any time.

21 **SECTION 377br.** 301.048 (6) (c) of the statutes is created to read:

22 301.048 (6) (c) 1. If the department determines that a person participating
23 under sub. (2) (am) 1. has successfully completed the intensive sanctions program,
24 the department shall inform the court that sentenced the inmate.

1 2. Upon being informed by the department under subd. 1. that an inmate whom
2 the court sentenced under s. 973.01 has successfully completed the intensive
3 sanctions program, the court shall modify the inmate's bifurcated sentence as
4 follows:

5 a. The court shall reduce the term of confinement in prison portion of the
6 inmate's bifurcated sentence in a manner that provides for the release of the inmate
7 to extended supervision within 30 days of the date on which the court receives the
8 information from the department under subd. 1.

9 b. The court shall lengthen the term of extended supervision imposed so that
10 the total length of the bifurcated sentence originally imposed does not change.”.

11 **2.** Page 189, line 18: after that line insert:

12 “**SECTION 383m.** 302.11 (1i) of the statutes is repealed.”.

13 **3.** Page 194, line 20: delete that line and substitute “sentence. The Except as
14 provided in s. 301.048 (4) (ar), the time remaining on the bifurcated sentence is the
15 total length of the”.

16 **4.** Page 207, line 19: after that line insert:

17 “**SECTION 428n.** 304.02 (4) of the statutes is repealed.”.

18 **5.** Page 208, line 10: after that line insert:

19 “**SECTION 430m.** 304.06 (1y) of the statutes is repealed.”.

20 **6.** Page 208, line 13: delete that line and substitute “or s. 939.62 (2m) (c),
21 ~~961.49 (2), 973.01 (6), or 973.014 (1) (c) or (1g) or 973.032 (5),~~ he”.

22 **7.** Page 293, line 18: after that line insert:

23 “**SECTION 940dg.** 950.04 (1v) (ve) of the statutes is created to read:

1 950.04 (1v) (ve) If a hearing is scheduled in response to a petition filed by the
2 department of corrections under s. 973.032 (4m) (b) for permission to release a person
3 from a placement in the intensive supervision program under s. 301.048 (3) (a) 1., to
4 have the appropriate clerk of court send the victim a copy of a petition and
5 notification of the hearing on that petition under s. 973.032 (4m) (c).”.

6 **8.** Page 332, line 13: after “under s.” insert “301.048 (6) (c).”.

7 **9.** Page 339, line 10: delete lines 10 to 13 and substitute:

8 “**SECTION 1137p.** 973.032 (title) of the statutes is amended to read:

9 **973.032** (title) ~~Sentence to~~ **Required participation in intensive**
10 **sanctions program.**

11 **SECTION 1137pb.** 973.032 (1) of the statutes is amended to read:

12 973.032 (1) ~~SENTENCE AUTHORITY TO ORDER.~~ Beginning July 1, 1992, Except as
13 provided in sub. (2), a court may sentence order a person who is convicted of a felony
14 occurring on or after August 15, 1991, but before December 31, 1999, to participate
15 in the intensive sanctions program under s. 301.048. If a person is convicted of a
16 felony occurring on or after December 31, 1999, a court may not sentence the person
17 to participate in the intensive sanctions program under s. 301.048 during the entire
18 term of confinement in prison portion of the bifurcated sentence.

19 **SECTION 1137q.** 973.032 (2) (a) of the statutes is amended to read:

20 973.032 (2) (a) A court may sentence order a person to participate in the
21 intensive sanctions program under sub. (1) if the department provides a presentence
22 investigation report recommending that the person be sentenced to ordered to
23 participate in the program. If the department does not make the recommendation,
24 a court may order the department to assess and evaluate the person. After that

1 assessment and evaluation, the court may ~~sentence~~ order the person to participate
2 in the program unless the department objects on the ground that it recommends that
3 the person be placed on probation.

4 **SECTION 1137r.** 973.032 (2) (b) of the statutes is amended to read:

5 973.032 (2) (b) Notwithstanding par. (a), the court may not ~~sentence~~ order a
6 person to participate in the intensive sanctions program under sub. (1) if he or she
7 is convicted of a felony punishable by life imprisonment or has at any time been
8 convicted, adjudicated delinquent, or found not guilty or not responsible by reason
9 of insanity or mental disease, defect, or illness for committing a violent offense, as
10 defined in s. 301.048 (2) (bm).

11 **SECTION 1137s.** 973.032 (3) (intro.) of the statutes is repealed.

12 **SECTION 1137t.** 973.032 (3) (a) of the statutes is repealed.

13 **SECTION 1137u.** 973.032 (3) (b) of the statutes is renumbered 973.032 (3) (b)
14 (intro.) and amended to read:

15 973.032 (3) (b) (intro.) ~~The~~ If the court orders a person to participate in the
16 intensive sanctions program under sub. (1), the court shall provide a maximum
17 period for placements do all of the following:

18 1. Order that the person be placed under s. 301.048 (3) (a) 1., which may not
19 exceed for at least one year unless the defendant waives this requirement.

20 **SECTION 1137um.** 973.032 (3) (b) 2. of the statutes is created to read:

21 973.032 (3) (b) 2. Subject to the limitation imposed under s. 301.048 (3) (bm)
22 2., specify the date on which the person is eligible for release from that placement
23 under sub. (4m).

24 **SECTION 1137v.** 973.032 (3) (c) 2. of the statutes is amended to read:

1 973.032 (3) (c) 2. The court may prescribe reasonable and necessary conditions
2 ~~of the sentence in accordance with s. 301.048 (3) in an order issued under sub. (1),~~
3 except the court may not specify a particular Type 1 prison, jail, camp, or facility
4 where the offender is to be placed under s. 301.048 (3) (a) and the court may not
5 restrict the department's authority under s. 301.048 (3) (b) or (c).

6 **SECTION 1137w.** 973.032 (4) of the statutes is repealed.”.

7 **10.** Page 339, line 13: after that line insert:

8 **“SECTION 1138wh.** 973.032 (4m) of the statutes is created to read:

9 973.032 (4m) **RELEASE TO COMMUNITY.** (a) In this subsection, “victim” has the
10 meaning given in s. 950.02 (4).

11 (b) No earlier than 30 days before the date specified by the court under sub. (3)
12 (b) 2., the department may petition the court for permission to release a person
13 subject to an order under sub. (1) from a placement described under s. 301.048 (3) (a)
14 1.

15 (c) Upon the filing of a petition under par. (b), the court, with or without a
16 hearing, may authorize the department to release the person from his or her
17 placement any time after the date specified under sub. (3) (b) 2. If the court schedules
18 a hearing on the petition, the clerk of the circuit court in which the petition is filed
19 shall send a copy of the petition and a notice of hearing to the victim of the crime
20 committed by the inmate, if the victim has submitted a card under par. (e) requesting
21 notification, at least 10 days before the date of the hearing.

22 (d) The notice under par. (c) shall inform the victim that he or she may appear
23 at the hearing and shall inform the victim of the manner in which he or she may

1 provide written statements concerning the inmate's petition for release to extended
2 supervision.

3 (e) The director of state courts shall design and prepare cards for a victim to
4 send to the clerk of the circuit court in which the inmate is convicted and sentenced.
5 The cards shall have space for a victim to provide his or her name and address, the
6 name of the applicable inmate and any other information the director of state courts
7 determines is necessary. The director of state courts shall provide the cards, without
8 charge, to clerks of circuit court. Clerks of circuit court shall provide the cards,
9 without charge, to victims. Victims may send completed cards to the clerk of the
10 circuit court in which the inmate was convicted and sentenced. All court records or
11 portions of records that relate to mailing addresses of victims are not subject to
12 inspection or copying under s. 19.35 (1).

13 (f) If the court schedules a hearing on a petition filed under par. (b), the clerk
14 of the court shall provide a copy of the petition and a notice of the hearing to the
15 district attorney at least 10 days before the hearing.

16 **SECTION 1138x.** 973.032 (5) of the statutes is repealed.

17 **SECTION 1138y.** 973.032 (6) of the statutes is amended to read:

18 973.032 (6) CREDIT. Any sentence credit under s. 973.155 (1) applies toward
19 ~~service of the period under sub. (3) (a) the term of confinement in prison portion of~~
20 the bifurcated sentence of a person who is subject to this section but does not apply
21 toward service of the period under sub. (3) (b).

22 **SECTION 1138z.** 973.032 (7) of the statutes is created to read:

23 973.032 (7) PARTICIPANTS ON EXTENDED SUPERVISION. The court or the
24 department may require a person ordered to participate in the intensive sanctions
25 program under sub. (1) to remain in the intensive sanctions program as a condition

1 of extended supervision, but subs. (2) to (6) do not apply to such persons once they
2 are on extended supervision.”.

3 **11.** Page 342, line 6: after that line insert:

4 “SECTION 1143n. 973.20 (10) of the statutes is amended to read:

5 973.20 (10) The court may require that restitution be paid immediately, within
6 a specified period or in specified ~~instalments~~ installments. If the defendant is placed
7 on probation or sentenced to imprisonment, the end of a specified period shall not be
8 later than the end of any period of probation, extended supervision, or parole. ~~If the~~
9 ~~defendant is sentenced to the intensive sanctions program, the end of a specified~~
10 ~~period shall not be later than the end of the sentence under s. 973.032 (3) (a).”.~~

11 **12.** Page 386, line 2: after that line insert:

12 “(21vv) INTENSIVE SANCTIONS PROGRAM EXPANSION; GENERAL PROGRAM OPERATIONS.

13 In the schedule under section 20.005 (3) of the statutes for the appropriation to the
14 department of corrections under section 20.410 (1) (a) of the statutes, as affected by
15 the acts of 2001, the dollar amount is increased by \$29,500 for fiscal year 2002–03
16 for the purpose of expanding the intensive sanctions program.

17 (21vw) INTENSIVE SANCTIONS PROGRAM EXPANSION; USE OF OUT-OF-STATE PRISONS.

18 In the schedule under section 20.005 (3) of the statutes for the appropriation to the
19 department of corrections under section 20.410 (1) (ab) of the statutes, as affected by
20 the acts of 2001, the dollar amount is decreased by \$566,300 for fiscal year 2002–03
21 for the purpose of reducing the number of prisoners confined in out-of-state prisons.

22 (21vx) INTENSIVE SANCTIONS PROGRAM EXPANSION; INCREASED POSITIONS. In the
23 schedule under section 20.005 (3) of the statutes for the appropriation to the
24 department of corrections under section 20.410 (1) (b) of the statutes, as affected by

1 the acts of 2001, the dollar amount is increased by \$355,800 for fiscal year 2002–03
2 to increase the authorized FTE positions for the department by 9.25 GPR positions
3 for expanding the intensive sanctions program.

4 (21vy) INTENSIVE SANCTIONS PROGRAM EXPANSION; PURCHASE OF SERVICES. In the
5 schedule under section 20.005 (3) of the statutes for the appropriation to the
6 department of corrections under section 20.410 (1) (d) of the statutes, as affected by
7 the acts of 2001, the dollar amount is increased by \$312,000 for fiscal year 2002–03
8 for the purpose of expanding the intensive sanctions program.”.

9 **13.** Page 444, line 5: after that line insert:

10 “(5ix) INTENSIVE SANCTIONS PROGRAM. The treatment of sections 301.048 (2m),
11 (3) (a) (intro.) and 1., (b), and (bm), (4) (a) and (ar), and (6) (a) and (c), 302.11 (1i),
12 302.113 (9) (a), 304.02 (4), 304.06 (1y), 304.071 (2), 950.04 (1v) (ve), 973.01 (4),
13 973.032 (title), (2) (a) and (b), (3) (intro.), (a), and (c) 2., (4), (4m), (5), (6), and (7), and
14 973.20 (10) of the statutes, the renumbering and amendment of section 973.032 (3)
15 (b) of the statutes, and the creation of section 973.032 (3) (b) 2. of the statutes first
16 apply to persons committing offenses on December 31, 1999.”.

17 (END)