



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa0845/1

PJH:cjs:jf

TWLj ↑
M

SENATE AMENDMENT ,
TO 2011 SENATE BILL 57

today
5-9-11

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

2 1. Page 7, line 5: after that line insert:

3 "SECTION 12m. 302.041 of the statutes is created to read:

4 **302.041 Release of inmates serving risk reduction sentences.** (1) When
5 an inmate who is serving a risk reduction sentence imposed under s. 973.031, 2009
6 stats., has served not less than 75 percent of the term of confinement portion of his
7 or her sentence under s. 973.01 and the department determines that he or she has
8 completed the programming or treatment under his or her plan and that the inmate
9 maintained a good conduct record during his or her term of confinement, the
10 department shall notify the sentencing court that the inmate has successfully
11 completed the requirements of his or her risk reduction sentence.

12 (2) Upon receipt of notice under sub. (1), the court shall release the inmate to
13 extended supervision.

1 **(3)** Upon receiving a court order releasing the inmate under sub. (2), the
2 department shall release the inmate within 6 working days, as defined in s. 227.01
3 (14) and as computed in s. 990.001 (4).”.

4 **2.** Page 8, line 22: delete that line.

5 **3.** Page 9, line 23: delete “earned release”.

6 **4.** Page 10 line 24: delete that line.

7 **5.** Page 30, line 7: before “973.195 (1r) (d)” insert “973.09 (3m)”.

8 **6.** Page 30, line 9: before “or” insert “and”.

9 **7.** Page 30, line 13: after that line insert:

10 **“SECTION 87m.** 950.04 (1v) (nx) of the statutes is created to read:

11 950.04 (1v) (nx) To attend a hearing on a petition for modification of a term of
12 probation under s. 973.09 (3) (d) and provide a statement to the court concerning
13 modification of the term of probation as provided under s. 973.09 (3m).”.

14 **8.** Page 31, line 7: delete that line and substitute:

15 **“SECTION 93b.** 973.09 (3) (d) of the statutes is renumbered 973.09 (3) (d) (intro)
16 and amended to read:

17 973.09 (3) (d) (intro.) The ~~department~~ court may modify a person’s period of
18 probation and discharge the person from probation if ~~the person has completed 50~~
19 ~~percent of his or her period of probation.~~ all of the following apply:”.

20 **9.** Page 31, line 7: after that line insert:

21 **“SECTION 93c.** 973.09 (3) (d) 1. to ~~6.~~^{6.}_^ of the statutes are created to read:

22 973.09 (3) (d) 1. The department petitions the court to discharge the person
23 from probation.

60 The probationer is not required to register under S. 306450.

1 2. The probationer has completed 50 percent of his or her period of probation.

2 3. The probationer has satisfied all conditions of probation that were set by the
3 sentencing court.

4 4. The probationer has satisfied all rules and conditions of probation that were
5 set by the department.

6 5. The probationer has fulfilled all financial obligations to his or her victims,
7 the court, and the department, including the payment of any fine, forfeiture, fee or
8 surcharge, or order of restitution.

9 **SECTION 93f.** 973.09 (3m) of the statutes is created to read:

10 973.09 (3m) (a) In this subsection, "victim" has the meaning given in s. 950.02
11 (4).

12 (b) When a court receives a petition under sub. (3) (d), the clerk of the circuit
13 court shall send a notice of hearing to the victim of the crime committed by the
14 probationer, if the victim has submitted a card under par. (c) requesting notification.
15 The notice shall inform the victim that he or she may appear at any hearing
16 scheduled under sub. (3) (d) and shall inform the victim of the manner in which he
17 or she may provide a statement concerning the modification of the probationer's term
18 of probation. The clerk of the circuit court shall make a reasonable attempt to send
19 the notice of hearing to the last-known address of the victim, postmarked at least
20 10 days before the date of the hearing.

21 (c) The director of state courts shall design and prepare cards for a victim to
22 send to the clerk of the circuit court for the county in which the probationer was
23 convicted and sentenced. The cards shall have space for a victim to provide his or
24 her name and address, the name of the applicable probationer, and any other
25 information that the director of state courts determines is necessary. The director

1 of state courts shall provide the cards, without charge, to clerks of circuit court.
2 Clerks of circuit court shall provide the cards, without charge, to victims. Victims
3 may send completed cards to the clerk of the circuit court for the county in which the
4 probationer was convicted and sentenced. All court records or portions of records
5 that relate to mailing addresses of victims are not subject to inspection or copying
6 under s. 19.35 (1).”.

7 **10.** Page 31, line 18: delete “Subject to”.

8 **11.** Page 31, line 19: delete “sub. (2),” and substitute “When”.

9 **12.** Page 31, line 22: after “2009 stats.,” insert “has served the confinement
10 portion of his or her sentence less positive adjustment time earned between October
11 1, 2009, and the effective date of this subsection [LRB inserts date], he or she.”.

12 **13.** Page 31, line 23: after “section” insert “, based on the number of days of
13 positive adjustment time the inmate claims that he or she has earned”.

14 **14.** Page 31, line 24: delete lines 24 and 25.

15 **15.** Page 32, line 1: delete lines 1 to 4.

16 **16.** Page 32, line 5: delete “sub. (2)” and substitute “sub. (1)”.

17 **17.** Page 32, line 8: delete lines 8 to 10.

18 **18.** Page 32, line 17: after “s. 973.195” insert “for a period of one year from the
19 date of the petition”.

20 (END)

Hurley, Peggy

From: Kelley, Margit
Sent: Tuesday, May 10, 2011 9:50 AM
To: Hurley, Peggy
Subject: RE: LRBa0798/1 amendment

Thank you, Peggy!

Margit Kelley
Wisconsin Legislative Council
608-266-9280
Margit.Kelley@legis.wi.gov

From: Hurley, Peggy
Sent: Tuesday, May 10, 2011 9:46 AM
To: Kelley, Margit
Cc: Bender-Olson, Katherine; Nowlan, Andrew; Kelly, Scott; Hilgemann, Luke
Subject: RE: LRBa0798/1 amendment

Great! I have both sets of stripes, so I will draft and put both into editing asap.

Peggy

From: Kelley, Margit
Sent: Tuesday, May 10, 2011 9:45 AM
To: Hurley, Peggy
Cc: Bender-Olson, Katherine; Nowlan, Andrew; Kelly, Scott; Hilgemann, Luke
Subject: RE: LRBa0798/1 amendment

Good eye! Thank you, Peggy. I hadn't taken it the one step back to the current language after being deleted in sections 2 and 4 of the amendment. So that takes care of the CIP and ERP language.

That should be everything, then, that I know of, with the changes to the initial app, grandfathering of PAT, and technical change on section 14 of the bill draft. Thank you!

Margit Kelley
Wisconsin Legislative Council
608-266-9280
Margit.Kelley@legis.wi.gov

From: Hurley, Peggy
Sent: Tuesday, May 10, 2011 9:37 AM
To: Kelley, Margit
Cc: Bender-Olson, Katherine; Nowlan, Andrew; Kelly, Scott; Hilgemann, Luke
Subject: RE: LRBa0798/1 amendment

Regarding the CIP and ERP language, the amendment deletes the repeal of those provisions, so that language stays in the statutes.

Please see sections 2 and 4 of the amendment. In other words, as drafted, the amendment retains the language in current law, so I believe that is what DOC wants. Does that make sense?

I'll make the changes in the initial app and 973.198, too.

From: Kelley, Margit

Sent: Tuesday, May 10, 2011 9:29 AM
To: Hurley, Peggy
Cc: Bender-Olson, Katherine; Nowlan, Andrew; Kelly, Scott; Hilgemann, Luke
Subject: RE: LRBa0798/1 amendment

Hi Peggy,

Here's the language that DOC was asking for with the earned release and challenge incarceration programs:

CIP [Section 18 of the bills, Section 2 of the amendments]

302.045 (3m) (d) Upon receiving a court order modifying an inmate's bifurcated sentence, the department shall release the inmate within 6 working days, as defined in s. 227.01 (14) and as computed in s. 990.001 (4).

ERP [Section 28 of the bills, Section 4 of the amendments]

302.05 (3) (c) 3. Upon receiving a court order modifying an inmate's bifurcated sentence, the department shall release the inmate within 6 working days, as defined in s. 227.01 (14) and as computed in s. 990.001 (4).

The language you suggested for the initial applicability and the grandfathering in s. 973.198 look perfect!

Thank you, Peggy!

Margit Kelley
Wisconsin Legislative Council
608-266-9280
Margit.Kelley@legis.wi.gov

From: Hurley, Peggy
Sent: Tuesday, May 10, 2011 9:04 AM
To: Kelley, Margit
Cc: Bender-Olson, Katherine; Nowlan, Andrew; Kelly, Scott; Hilgemann, Luke
Subject: RE: LRBa0798/1 amendment

Excellent; that makes things easier.

So, I will need the stripes back from both offices to make the changes.

I'm not sure what you mean by the "earned release and challenge incarceration program 6-day release that was requested by DOC;" do you have more information on that?

I also am not sure what you mean by the correction to the grandfathering and initial applicability. Do you want the initial applicability to read: "This act first applies to a person sentenced on December 31, 1999, except that the treatment of ss. 302.113 (1) and (2) (a) and (b) and 304.06 (1) (bg) does not apply to positive adjustment time earned on or after October 1, 2009, but before the effective date of this subsection."

If yes, do you also want the sentence adjustment under s. 973.198 to read: "When an inmate who is serving a sentence imposed under s. 973.01 and who has earned positive adjustment time under s. 302.113, 2009 stats., or under s. 304.06, 2009 stats., has served the confinement portion of his or her sentence less positive adjustment time earned between October 1, 2009, and the effective date of this subsection [LRB inserts date], he or she may petition the sentencing court to adjust the sentence under this section."?

Please advise. Thanks!

Peggy

From: Kelley, Margit
Sent: Tuesday, May 10, 2011 8:47 AM
To: Hurley, Peggy
Cc: Bender-Olson, Katherine; Nowlan, Andrew; Kelly, Scott; Hilgemann, Luke
Subject: RE: LRBa0798/1 amendment

Hi Peggy,

Neither the senate nor the assembly version have been introduced, so if that's corrected before they're introduced, that would be great!

Also, I checked with both offices, and they'd like the amendment to include the earned release and challenge incarceration program 6-day release that was requested by DOC, and the correction to the grandfathering and initial applicability for inmates sentenced before October 1, 2009.

Thank you!!

Margit Kelley
Wisconsin Legislative Council
608-266-9280
Margit.Kelley@legis.wi.gov

From: Hurley, Peggy
Sent: Tuesday, May 10, 2011 8:42 AM
To: Kelley, Margit
Subject: RE: LRBa0798/1 amendment

Hi Margit,

You are absolutely correct - that's what I get for trying to do these things too quickly! Section 12m should have replaced bill draft section 14. Has the draft been introduced, or were you reviewing it pre-introduction?

From: Kelley, Margit
Sent: Tuesday, May 10, 2011 8:36 AM
To: Hurley, Peggy
Cc: Bender-Olson, Katherine; Hilgemann, Luke; Kelly, Scott; Nowlan, Andrew
Subject: LRBa0798/1 amendment

Hi Peggy,

I've reviewed LRBa0798/1, the assembly amendment to 2011 AB 86, and have a technical question. The amendment creates a new bill draft section 12m with new statutory section 302.041, but it looks like it keeps bill draft section 14 with a new statutory section 302.043. If I'm reading that correctly, it looks like that would create overlapping sections dealing with the same subject matter.

It's my understanding that Rep. Suder's office is looking for the language in the amendment, and that's what should be kept, between the two.

Thank you for clarifying!

Margit Kelley
Wisconsin Legislative Council
608-266-9280
Margit.Kelley@legis.wi.gov



stays

3
M

SENATE AMENDMENT,
TO 2011 SENATE BILL 57

(B) Am
1/2/2011

line 7 (b/7)

the material beginning with
that line and ending with line 17
delete these lines
and substituted

302.043

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

2 1. Page 7, line 5 after that line insert:

3 "SECTION 12m 302.041 of the statutes is created to read:

302.043

4 **302.041 Release of inmates serving risk reduction sentences.** (1) When
5 an inmate who is serving a risk reduction sentence imposed under s. 973.031, 2009
6 stats., has served not less than 75 percent of the term of confinement portion of his
7 or her sentence under s. 973.01 and the department determines that he or she has
8 completed the programming or treatment under his or her plan and that the inmate
9 maintained a good conduct record during his or her term of confinement, the
10 department shall notify the sentencing court that the inmate has successfully
11 completed the requirements of his or her risk reduction sentence.

12 (2) Upon receipt of notice under sub. (1), the court shall release the inmate to
13 extended supervision.

1 (3) Upon receiving a court order releasing the inmate under sub. (2), the
2 department shall release the inmate within 6 working days, as defined in s. 227.01
3 (14) and as computed in s. 990.001 (4).”.

4 2. Page 8, line 22: delete that line.

5 3. Page 9, line 23: delete “earned release”.

6 4. Page 10 line 24: delete that line.

7 5. Page 30, line 7: before “973.195 (1r) (d)” insert “973.09 (3m).”.

8 **Please Fix Comp.** → 6. Page 30, line 9: ^{delete} ~~before~~ “or” ^{insert} “or” and substitute “or”

9 7. Page 30, line 13: after that line insert:

10 “SECTION 87m. 950.04 (1v) (nx) of the statutes is created to read:

11 950.04 (1v) (nx) To attend a hearing on a petition for modification of a term of
12 probation under s. 973.09 (3) (d) and provide a statement to the court concerning
13 modification of the term of probation as provided under s. 973.09 (3m).”.

14 8. Page 31, line 7: delete that line and substitute:

15 “SECTION 93b. 973.09 (3) (d) of the statutes is renumbered 973.09 (3) (d) (intro)
16 and amended to read:

17 973.09 (3) (d) (intro.) The ~~department~~ court may modify a person’s period of
18 probation and discharge the person from probation if ~~the person has completed 50~~
19 ~~percent of his or her period of probation. all of the following apply.~~

20 9. Page 31, line 7: after that line insert:

21 “SECTION 93c. 973.09 (3) (d) 1. to 6. of the statutes are created to read:

22 973.09 (3) (d) 1. The department petitions the court to discharge the person
23 from probation.

1 2. The probationer has completed 50 percent of his or her period of probation.

2 3. The probationer has satisfied all conditions of probation that were set by the
3 sentencing court.

4 4. The probationer has satisfied all rules and conditions of probation that were
5 set by the department.

6 5. The probationer has fulfilled all financial obligations to his or her victims,
7 the court, and the department, including the payment of any fine, forfeiture, fee or
8 surcharge, or order of restitution.

9 6. The probationer is not required to register under s. 301.45.

10 **SECTION 93f.** 973.09 (3m) of the statutes is created to read:

11 973.09 (3m) (a) In this subsection, “victim” has the meaning given in s. 950.02
12 (4).

13 (b) When a court receives a petition under sub. (3) (d), the clerk of the circuit
14 court shall send a notice of hearing to the victim of the crime committed by the
15 probationer, if the victim has submitted a card under par. (c) requesting notification.
16 The notice shall inform the victim that he or she may appear at any hearing
17 scheduled under sub. (3) (d) and shall inform the victim of the manner in which he
18 or she may provide a statement concerning the modification of the probationer’s term
19 of probation. The clerk of the circuit court shall make a reasonable attempt to send
20 the notice of hearing to the last-known address of the victim, postmarked at least
21 10 days before the date of the hearing.

22 (c) The director of state courts shall design and prepare cards for a victim to
23 send to the clerk of the circuit court for the county in which the probationer was
24 convicted and sentenced. The cards shall have space for a victim to provide his or
25 her name and address, the name of the applicable probationer, and any other

1 information that the director of state courts determines is necessary. The director
2 of state courts shall provide the cards, without charge, to clerks of circuit court.
3 Clerks of circuit court shall provide the cards, without charge, to victims. Victims
4 may send completed cards to the clerk of the circuit court for the county in which the
5 probationer was convicted and sentenced. All court records or portions of records
6 that relate to mailing addresses of victims are not subject to inspection or copying
7 under s. 19.35 (1).” ✓

8 **10.** Page 31, line 18: delete “Subject to”.

9 **11.** Page 31, line 19: delete “sub. (2),” and substitute “When”.

10 **12.** Page 31, line 22: after “2009 stats.,” insert “has served the confinement
11 portion of his or her sentence less positive adjustment time earned between October
12 1, 2009, and the effective date of this subsection ... [LRB inserts date], he or she.”.

13 **13.** Page 31, line 23: after “section” insert “, based on the number of days of
14 positive adjustment time the inmate claims that he or she has earned”.

15 **14.** Page 31, line 24: delete lines 24 and 25.

16 **15.** Page 32, line 1: delete lines 1 to 4.

17 **16.** Page 32, line 5: delete “sub. (2)” and substitute “sub. (1)”.

18 **17.** Page 32, line 8: delete lines 8 to 10.

19 **18.** Page 32, line 17: after “s. 973.195” insert “for a period of one year from the
20 date of the petition”.

21 *the material beginning with*
Page 31, line 19 delete ~~“on or after”~~ “on or after”
Page 31, line 20 delete that line
and ending with “date],” on line 20.
the material beginning with “by”
Page 34, line 20 delete ~~“by a person who was~~ “by a person who was
sentenced on or after October 1,
Page 34, line 3 delete that line
(END)

and ending with “subsection” on line 30