

2011 DRAFTING REQUEST

Assembly Amendment (AA-SB57)

Received: 05/16/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Sandy Pasch (608) 266-7671

By/Representing: Fred

May Contact:

Drafter: phurley

Subject: Correctional System - misc
Correctional System - prisons

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Pasch@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Corrections amendments

Instructions:

same as 11a0944

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>
/?	phurley 05/16/2011	kfollett 05/16/2011		_____			
/1			mduchek 05/16/2011	_____	ggodwin 05/16/2011	ggodwin 05/16/2011	

FE Sent For:

<END>

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/?	phurley	11k f SM6	5/16	Sp4			

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<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBA09444
PJH:kjf:ph

AA
**SENATE AMENDMENT 2,
TO 2011 SENATE BILL 57**

a/019/1
rnr

to SB 57
today 5/16

May 11, 2011 - Offered by Senators TAYLOR, VINEHOUT, C. LARSON, T. CULLEN, RISSER, MILLER and S. COGGS.

Insert 1

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

2 1. Page 7, line 6: delete lines 6 to 17 and substitute:

3 "SECTION 13c. 302.042 (3) of the statutes is repealed.

4 SECTION 13d. 302.042 (4) of the statutes is amended to read:

5 302.042 (4) The department shall release an inmate who is serving a risk
6 reduction sentence to extended supervision when he or she serves not less than 75
7 percent of the term of confinement portion of his or her sentence imposed under s.
8 973.01 and the department determines that he or she has completed the
9 programming or treatment under his or her plan and that the inmate maintained a
10 good conduct record during his or her term of confinement. Not less than 30 days
11 prior to release under this subsection, the department shall notify the sentencing
12 court that the inmate has thus far successfully completed the requirements of his or
13 her risk reduction sentence."

1 **2.** Page 12, line 9: delete lines 9 to 12 and substitute:

2 “**SECTION 34d.** 302.11 (2m) of the statutes is created to read:

3 **302.11 (2m)** The warden or superintendent shall keep a record of the conduct
4 of each person who is returned to prison after revocation of parole, specifying each
5 infraction of the rules. If a person violates any regulation of the prison, refuses or
6 neglects to perform required or assigned duties, or refuses or neglects to participate
7 in required programming or treatment, the department may extend the release date
8 by not more than 90 days.

9 (b) No extension under par. (a) may require a person to serve more days in
10 prison than provided in his or her sentence.

11 **SECTION 34h.** 302.11 (7) (am) of the statutes is amended to read:

12 **302.11 (7) (am)** The reviewing authority may return a parolee released under
13 sub. (1) or (1g) (b) or s. 304.02 or 304.06 (1) to prison for ~~a period up to~~ the remainder
14 of the sentence or for 6 months, whichever is less, for a violation of the conditions of
15 parole. The remainder of the sentence is the entire sentence, less time served in
16 custody prior to parole. The period of time may be extended in accordance with sub.
17 (2m). The revocation order shall provide the parolee with credit in accordance with
18 ss. 304.072 and 973.155.

19 **SECTION 34p.** 302.11 (7) (b) of the statutes is amended to read:

20 **302.11 (7) (b)** A parolee returned to prison for violation of the conditions of
21 parole shall be incarcerated for the entire period of time determined by the reviewing
22 authority unless paroled earlier under par. (c). The parolee is not subject to
23 mandatory release under sub. (1) or presumptive mandatory release under sub. (1g).

1 The period of time determined under par. (am) may be extended in accordance with
2 ~~subs. (1q) and (2) sub. (2m)~~.

3 **SECTION 34t.** 302.11 (7) (c) of the statutes is amended to read:

4 302.11 (7) (c) ~~The earned release review commission may subsequently parole,~~
5 ~~under s. 304.06 (1), and the department may subsequently parole, under s. 304.02,~~
6 a parolee who is returned to prison for violation of a condition of parole.”.

7 **3.** Page 13, line 17: after that line insert:

8 “**SECTION 41m.** 302.113 (3m) of the statutes is created to read:

9 302.113 (3m) (a) The warden or superintendent shall keep a record of the
10 conduct of each inmate who is returned to prison after revocation of extended
11 supervision, specifying each infraction of the rules. If a person violates any
12 regulation of the prison, refuses or neglects to perform required or assigned duties,
13 or refuses or neglects to participate in required programming or treatment, the
14 department may extend the period imposed under sub. (9) by not more than 90 days.

15 (b) No extension under par. (a) may require a person to serve more days in
16 prison than the total length of the bifurcated sentence imposed on the person under
17 s. 973.01.”.

18 **4.** Page 14, line 8: delete “any specified period of time that does not exceed” and
19 substitute “~~any specified period of time that does not exceed~~ 6 months or”.

20 **5.** Page 14, line 9: after “sentence” insert “, whichever is less”.

21 **6.** Page 14, line 15: after that line insert:

22 “**SECTION 43m.** 302.113 (9) (b) of the statutes is amended to read:

23 302.113 (9) (b) A person who is returned to prison after revocation of extended
24 supervision shall be incarcerated for the entire period of time specified by the order

1 under par. (am). The period of time specified under par. (am) may be extended in
 2 accordance with sub. (3) (3m). If a person is returned to prison under par. (am) for
 3 a period of time that is less than the time remaining on the bifurcated sentence, the
 4 person shall be released to extended supervision after he or she has served the period
 5 of time specified by the order under par. (am) and any periods of extension imposed
 6 in accordance with sub. (3) (3m).”.

7 **7.** Page 27, line 9: delete the material beginning with “prison” and ending with
 8 “supervision” on line 10 and substitute “prison to continue serving for the remainder
 9 of his or her sentence or for 6 months, whichever is less, or may order him or her to
 10 continue on parole or extended supervision. If the person is ordered returned to
 11 prison, the period of time may be extended in accordance with s. 302.11 (2m).”.

12 **8.** Page 30, line 13: after ~~minimum~~ insert:

*the material inserted
by senate amendment*

13

“SECTION ^{87c}~~87m~~. 973.01 (2) (d) (intro.) of the statutes is repealed and recreated

14 to read:

15 973.01 (2) (d) *Minimum and maximum term of extended supervision.* (intro.)
 16 Except for a Class B felony, a Class C felony, or a crime described in s. 301.45 (1d) (b),
 17 the term of extended supervision may not be less than 25 percent nor more 75 percent
 18 of the length of the term of confinement in prison imposed under par. (b). For a Class
 19 B felony, a Class C felony, or a crime described in s. 301.45 (1d) (b), the term of
 20 extended supervision may not be less than 25 percent of the term of confinement in
 21 prison imposed under par. (b) and is subject to whichever of the following limits is
 22 applicable:”.

23 **9.** Page 31, line 6: delete that line and substitute:

24 “SECTION **92m.** 973.031 of the statutes is amended to read:

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973.031 Risk reduction sentence. Whenever a court imposes a sentence for a felony under s. 973.01, the court may order the person it sentences to serve a risk reduction sentence if the court determines that a risk reduction sentence is appropriate and the person agrees to cooperate in an assessment of his or her criminogenic factors and his or her risk of reoffending, and to participate in programming or treatment the department develops for the person under s. 302.042 (1). ~~This section does not apply if the court sentences a person for a violation of s. 940.03, 940.06, 940.11 (1), 940.235, 940.302, 940.31 (1), 940.32 (3), 941.21, 946.465, 948.03 (2) (a), or 948.40 (4) (a) or for a felony murder under s. 940.03, an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d), an offense related to ethical government, as defined in s. 939.22 (20m), or an offense related to school safety, as defined in s. 939.22 (20s)."~~

10. Page 33, line 24: delete "This" and substitute "Except as provided in subsections (2) and (3), this".

11. Page 34, line 3: after that line insert:
 "(2) The treatment of sections 302.11 (2m), (7) (am), (b), and (c), 302.113 (3m), 302.113 (9) (am) and (b), and 304.06 (3) of the statutes first applies to a revocation that occurs on the effective date of this subsection.

(3) The treatment of section 973.01 (2) (d) (intro) of the statutes first applies to a person sentenced for a crime committed on the effective date of this subsection."

(END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1019/?ins

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INSERT 1:

- 1.** Page 7, line 6: delete that line.
- 2.** Page 7, line 7: delete the material inserted by senate amendment 1 and substitute: