

2013 DRAFTING REQUEST

Bill

Received: **1/28/2013** Received By: **phurley**
Wanted: **As time permits** Same as LRB:
For: **Mike Endsley (608) 266-0656** By/Representing: **Lauren**
May Contact: Drafter: **phurley**
Subject: **Correctional System - misc** Addl. Drafters:
Criminal Law - miscellaneous Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Endsley@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Searches of persons on parole, probation, or extended supervision

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>
/?	phurley 1/28/2013	scalvin 1/28/2013	jfrantze 1/29/2013	_____			
/1				_____	sbasford 1/29/2013	mbarman 1/30/2013	State S&L

FE Sent For:

*at intro
3/2/13*

<END>

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/?	phurley	/1 sac 01/28/2013		1/29			

FE Sent For:

<END>

Hurley, Peggy

From: Hansen, Alex
Sent: Monday, January 28, 2013 1:12 PM
To: Hurley, Peggy
Cc: Clark, Lauren
Subject: LRB 0294/2

Peggy,

I appreciate your quick turnaround with LRB 0294/2. I would like to grant consent to Lauren Clark in Representative Endsley's office to receive the Assembly companion draft.

Thank you.

Alex Hansen

Office of Senator Joe Leibham

Phone: (608) 266-2056

Room 15 South, State Capitol

www.leibhamsenate.com



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-029471

PJH:sac:0

stays

137011
MR

2013 BILL

51
1-29-13

gen act

1 AN ACT to create 302.043 (4), 302.045 (3m) (e), 302.05 (3) (c) 4., 302.11 (6m),
2 302.113 (7r), 302.114 (8g), 304.02 (2m), 304.06 (1r) and 973.09 (1d) of the
3 statutes; **relating to:** searches by a law enforcement officer of a person on
4 probation, parole, or extended supervision.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, if a person is convicted of a crime a court may withhold sentencing of the person or may impose a sentence but stay its execution and, in either case, place the person on probation. The court may impose conditions of probation. If a person violates a condition of probation, the person's probation may be revoked.

Under current law, a person who is released from confinement in a prison to parole or to extended supervision is subject to conditions set by the parole commission or by the Department of Corrections (DOC). If a person violates one of these conditions, his or her parole or extended supervision may be revoked and the person may be returned to prison.

This bill specifies that a person who is placed on probation or a person who is released from incarceration to parole or extended supervision is subject to having his or her person, residence, and any property under his or her control searched by a law enforcement officer at any time if the officer reasonably suspects that the person is committing, is about to commit, or has committed a crime or a violation of a condition of probation or release. Under the bill, a law enforcement officer may not conduct

BILL

the search in an arbitrary, capricious, or harassing manner and must notify DOC as soon as practical after he or she conducts the search.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 302.043 (4) of the statutes is created to read:

2 302.043 (4) A person released under this section, his or her residence, and any
3 property under his or her control may be searched by a law enforcement officer at any
4 time during his or her period of supervision if the officer reasonably suspects that the
5 person is committing, is about to commit, or has committed a crime or a violation of
6 a condition of release to extended supervision. Any search conducted pursuant to
7 this subsection shall be conducted in a reasonable manner and may not be arbitrary,
8 capricious, or harassing. A law enforcement officer who conducts a search pursuant
9 to this subsection shall, as soon as practicable after the search, notify the
10 department. Any search conducted pursuant to this paragraph shall be conducted
11 in a reasonable manner and may not be arbitrary, capricious, or harassing. A law
12 enforcement officer who conducts a search pursuant to this paragraph shall, as soon
13 as practicable after the search, notify the department.

14 **SECTION 2.** 302.045 (3m) (e) of the statutes is created to read:

15 302.045 (3m) (e) A person released under this subsection, his or her residence,
16 and any property under his or her control may be searched by a law enforcement
17 officer at any time during his or her period of supervision if the officer reasonably
18 suspects that the person is committing, is about to commit, or has committed a crime
19 or a violation of a condition of release to extended supervision. Any search conducted
20 pursuant to this paragraph shall be conducted in a reasonable manner and may not

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1 be arbitrary, capricious, or harassing. A law enforcement officer who conducts a
2 search pursuant to this paragraph shall, as soon as practicable after the search,
3 notify the department.

4 **SECTION 3.** 302.05 (3) (c) 4. of the statutes is created to read:

5 302.05 (3) (c) 4. A person released under this paragraph, his or her residence,
6 and any property under his or her control may be searched by a law enforcement
7 officer at any time during his or her period of supervision if the officer reasonably
8 suspects that the person is committing, is about to commit, or has committed a crime
9 or a violation of a condition of release to extended supervision. Any search conducted
10 pursuant to this subdivision shall be conducted in a reasonable manner and may not
11 be arbitrary, capricious, or harassing. A law enforcement officer who conducts a
12 search pursuant to this subdivision shall, as soon as practicable after the search,
13 notify the department.

14 **SECTION 4.** 302.11 (6m) of the statutes is created to read:

15 302.11 (6m) A person released under this section, his or her residence, and any
16 property under his or her control may be searched by a law enforcement officer at any
17 time during his or her period of supervision if the officer reasonably suspects that the
18 person is committing, is about to commit, or has committed a crime or a violation of
19 a condition of parole. Any search conducted pursuant to this subsection shall be
20 conducted in a reasonable manner and may not be arbitrary, capricious, or
21 harassing. A law enforcement officer who conducts a search pursuant to this
22 subsection shall, as soon as practicable after the search, notify the department.

23 **SECTION 5.** 302.113 (7r) of the statutes is created to read:

24 302.113 (7r) A person released under this section, his or her residence, and any
25 property under his or her control may be searched by a law enforcement officer at any

BILL**SECTION 5**

1 time during his or her period of supervision if the officer reasonably suspects that the
2 person is committing, is about to commit, or has committed a crime or a violation of
3 a condition of release to extended supervision. Any search conducted pursuant to
4 this subsection shall be conducted in a reasonable manner and may not be arbitrary,
5 capricious, or harassing. A law enforcement officer who conducts a search pursuant
6 to this subsection shall, as soon as practicable after the search, notify the
7 department.

8 **SECTION 6.** 302.114 (8g) of the statutes is created to read:

9 302.114 (8g) A person released under this section, his or her residence, and any
10 property under his or her control may be searched by a law enforcement officer at any
11 time during his or her period of supervision if the officer reasonably suspects that the
12 person is committing, is about to commit, or has committed a crime or a violation of
13 a condition of release to extended supervision. Any search conducted pursuant to
14 this subsection shall be conducted in a reasonable manner and may not be arbitrary,
15 capricious, or harassing. A law enforcement officer who conducts a search pursuant
16 to this subsection shall, as soon as practicable after the search, notify the
17 department.

18 **SECTION 7.** 304.02 (2m) of the statutes is created to read:

19 304.02 (2m) A person released under this section, his or her residence, and any
20 property under his or her control may be searched by a law enforcement officer at any
21 time during his or her period of supervision if the officer reasonably suspects that the
22 person is committing, is about to commit, or has committed a crime or a violation of
23 a condition of parole. Any search conducted pursuant to this subsection shall be
24 conducted in a reasonable manner and may not be arbitrary, capricious, or

BILL

1 harassing. A law enforcement officer who conducts a search pursuant to this
2 subsection shall, as soon as practicable after the search, notify the department.

3 **SECTION 8.** 304.06 (1r) of the statutes is created to read:

4 304.06 (1r) A person released under this section, his or her residence, and any
5 property under his or her control may be searched by a law enforcement officer at any
6 time during his or her period of supervision if the officer reasonably suspects that the
7 person is committing, is about to commit, or has committed a crime or a violation of
8 a condition of parole. Any search conducted pursuant to this subsection shall be
9 conducted in a reasonable manner and may not be arbitrary, capricious, or
10 harassing. A law enforcement officer who conducts a search pursuant to this
11 subsection shall, as soon as practicable after the search, notify the department.

12 **SECTION 9.** 973.09 (1d) of the statutes is created to read:

13 973.09 (1d) A person who is placed on probation, his or her residence, and any
14 property under his or her control may be searched by a law enforcement officer at any
15 time during his or her period of supervision if the officer reasonably suspects that the
16 person is committing, is about to commit, or has committed a crime or a violation of
17 a condition of probation. Any search conducted pursuant to this subsection shall be
18 conducted in a reasonable manner and may not be arbitrary, capricious, or
19 harassing. A law enforcement officer who conducts a search pursuant to this
20 subsection shall, as soon as practicable after the search, notify the department of
21 corrections.

22 **SECTION 10. Initial applicability.**

23 (1) This act first applies to a person who is placed on probation, released on
24 parole, or released to extended supervision on the effective date of this subsection.

25

(END)

Barman, Mike

From: Clark, Lauren
Sent: Tuesday, January 29, 2013 5:32 PM
To: LRB.Legal
Subject: Draft Review: LRB -1370/1 Topic: Searches of persons on parole, probation, or extended supervision

Please Jacket LRB -1370/1 for the ASSEMBLY.