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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2017 Senate Bill 54**

**Assembly Substitute  
Amendment 2**

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### **2017 SENATE BILL 54**

Senate Bill 54, as passed by the Senate<sup>1</sup>, requires the Department of Corrections (DOC) to recommend revoking a person’s extended supervision, parole, or probation (community supervision) if that person is charged with a felony or a violent misdemeanor.<sup>2</sup>

### **ASSEMBLY SUBSTITUTE AMENDMENT 2**

#### **DOC Revocation Requirement**

Assembly Substitute Amendment 2 (“the substitute amendment”) requires DOC to recommend revocation if a person is charged with a felony or a violent misdemeanor, but provides several exceptions. DOC may make a different recommendation if the person is participating in a substance abuse treatment program. Additionally, DOC may revise its recommendation to revoke if the charges are subsequently dismissed or if the person is found not guilty of the crime. The DOC requirement to recommend revocation first applies to charges that are filed on July 1, 2019, the effective date of the legislation.

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<sup>1</sup> Senate Bill 54, as introduced, requires DOC to recommend revoking a person’s community supervision if that person is charged with any crime.

<sup>2</sup> “Violent misdemeanor” means a violation of s. 813.12, 813.122, 813.125, 940.19 (1), 940.195, 940.42, 940.44, 941.20 (1), 941.26, 941.38 (3), 941.39, 947.013, 948.55, 951.02, 951.08, 951.09, or 951.095, Stats., or a violation to which a penalty specified in s. 939.63 (1), Stats., is applied. [s. 941.29 (1g) (b), Stats.]

### **Required Reports to the Legislature**

The substitute amendment requires the District Attorney's office in a county having a population of 750,000 or more (currently, only Milwaukee County) to annually report certain information regarding revocations to legislative standing committees. Specifically, the District Attorney's office must report the office's actions regarding recommendations to revoke a person's extended supervision or parole because the person is charged with a felony or violent misdemeanor. The report must include: (1) the total number of case referrals, broken down by class; (2) the total number of cases filed, broken down by class; (3) the total number of charges filed, broken down by class; and (4) the total number of dispositions, broken down by class. The reporting requirement only applies for two years, and takes effect on July 1, 2019, the effective date of the legislation.

The substitute amendment also requires the Legislative Fiscal Bureau to submit a study to the Legislature by January 15, 2020, concerning the costs involved in the revocation requirements created by the legislation.

### **Funding for DOC Correctional Institutions**

The substitute amendment adds construction of additional prison bed space to the 2017-19 Authorized State Building Program and increases the general fund supported borrowing by \$350 million for this purpose. Unlike other provisions of the legislation, the addition to the State Building Program and increased general fund supported borrowing takes effect on the day after the legislation is published.

The substitute amendment also increases the appropriation to the State Building Commission from the Capital Improvement Fund, by a corresponding amount, for DOC to acquire, construct, develop, enlarge, or improve adult and juvenile correctional facilities.

### **Additional District Attorney Positions**

The substitute amendment increases the authorized FTE district attorney positions funded by GPR by 53.75 positions. The change occurs on July 1, 2019, and increases the district attorney positions for specified counties as follows:

- Iowa County - 0.25 positions.
- Green County, Marquette County, Pierce County - 0.5 positions each.
- Jefferson County - 0.7 positions.
- Burnett County, Columbia County - 0.75 positions each.
- Adams County - 0.8 positions.
- Ashland County, Barron County, Bayfield County, Chippewa County, Dodge County, Forest County, Jackson County, Langlade County, Lincoln County, Marathon County, Ozaukee County, Shawano County, Taylor County, Walworth County, Washington County - 1.0 positions each.

- Brown County, Douglas County, Dunn County, Eau Claire County, Fond du Lac County, Kenosha County, La Crosse County, Manitowoc County, Monroe County, Outagamie County, Polk County, Portage County, Racine County, Sheboygan County, Waukesha County, Winnebago County, Wood County – 2.0 positions each.

The substitute amendment also increases the authorized FTE district attorney positions funded by GPR by 0.4 positions for Marinette County, but this increase does not occur until January 1, 2020, because it replaces a 0.4 project position that expires on December 31, 2019.

## **BILL HISTORY**

### **Assembly Action**

Assembly Substitute Amendment 2 was offered by Representatives Sanfelippo, Born, Nygren, Vos, Jacque, Tittl, Schraa, Vorpapel, Zimmerman, Spiros, Krug, Summerfield, Steffen, and Knodl on February 22, 2018. The Assembly then adopted Assembly Substitute Amendment 2 and concurred in Senate Bill 54, as amended, on a vote of Ayes, 59; Noes, 35.

### **Senate Action**

Senator Vukmir introduced Senate Amendment 1 on October 26, 2017. On November 7, 2017, the Senate adopted Senate Amendment 1 on a voice vote and voted to pass Senate Bill 54, as amended, on a vote of Ayes, 20; Noes, 12.

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