



2017 ASSEMBLY BILL 792

December 27, 2017 - Introduced by Representatives GOYKE, KRUG, R. BROOKS, MURSAU, BOWEN, BROSTOFF, BERCEAU, ANDERSON, RIEMER, CONSIDINE, KOLSTE, OHNSTAD, KESSLER, C. TAYLOR, POPE, SUBECK, SARGENT, ZAMARRIPA, SPREITZER and BILLINGS, cosponsored by Senators JOHNSON, LARSON, L. TAYLOR, WIRCH and RISSER. Referred to Committee on Corrections.

1 **AN ACT to renumber and amend** 302.113 (2); **to amend** 911.01 (4) (c) and
2 973.01 (4); and **to create** 301.063, 302.113 (2) (b) and 302.113 (2) (c) of the
3 statutes; **relating to:** allowing certain prisoners to earn time toward early
4 release from confinement in prison.

Analysis by the Legislative Reference Bureau

This bill allows certain prisoners who participate in educational or other programs to earn time off the confinement portion of their sentences.

Under current law, a person who is imprisoned for a felony he or she committed on or after December 31, 1999, is sentenced to a bifurcated sentence, with the first portion of the sentence served in confinement in prison and the second portion of the sentence served under extended supervision in the community. A person who is serving a bifurcated sentence, with few exceptions, must serve the entire confinement portion of his or her sentence before being released to extended supervision.

This bill requires the Department of Corrections to identify evidence-based programs that reduce the rate of recidivism among participants. Under the bill, a prisoner who is sentenced to confinement in prison for a misdemeanor or for a Class C to Class I felony may earn time off of the confinement portion of his or her sentence not to exceed 15 percent, at a rate determined by DOC, if he or she participates in one or more of the programs DOC identifies. Under the bill, if a person's confinement period is reduced by DOC, his or her period of extended supervision is increased so that the length of the sentence does not change.

ASSEMBLY BILL 792

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.** 301.063 of the statutes is created to read:

2 **301.063 Recidivism reduction programming; early release to extended**
3 **supervision. (1)** The department shall identify evidence-based programs that
4 reduce the rate of recidivism among participants in the programs.

5 **(2)** The department shall assign a number of days of earned time which an
6 inmate may accumulate for the purpose of early release from confinement under s.
7 302.113 (2) (b) for his or her participation in each program identified in sub. (1).

8 **SECTION 2.** 302.113 (2) of the statutes is renumbered 302.113 (2) (a) and
9 amended to read:

10 302.113 **(2)** (a) Except as provided in par. (b) and subs. (3) and (9), an inmate
11 subject to this section is entitled to release to extended supervision after he or she
12 has served the term of confinement in prison portion of the sentence imposed under
13 s. 973.01, as modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b)
14 1., 302.05 (3) (c) 2. a., 973.195 (1r), or 973.198, if applicable.

15 **SECTION 3.** 302.113 (2) (b) of the statutes is created to read:

16 302.113 **(2)** (b) An inmate sentenced under s. 973.01 for a misdemeanor or for
17 a Class C to I felony may accumulate days of earned time in the amount determined
18 by the department under s. 301.063 (2). An inmate convicted of a misdemeanor or
19 a Class C to I felony shall be released to extended supervision when he or she has
20 served the term of confinement in prison portion of his or her bifurcated sentence,
21 as modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1. or 302.05

ASSEMBLY BILL 792

1 (3) (c) 2. a., if applicable, less the number of days of earned time, not to exceed 15
2 percent of the term of confinement in prison portion of the inmate's original
3 bifurcated sentence, that he or she has accumulated. This paragraph does not apply
4 to a person who is the subject of a bulletin issued under s. 301.46 (2m), or who is
5 convicted of a violent offense, as defined in s. 301.048 (2) (bm) 1.

6 **SECTION 4.** 302.113 (2) (c) of the statutes is created to read:

7 302.113 (2) (c) If an inmate is released to extended supervision under par. (b)
8 after he or she has served less than his or her entire term of confinement in prison
9 portion of the sentence imposed under s. 973.01, the term of extended supervision is
10 increased so that the total length of the bifurcated sentence does not change.

11 **SECTION 5.** 911.01 (4) (c) of the statutes is amended to read:

12 911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or
13 rendition; sentencing, granting or revoking probation, modification of a bifurcated
14 sentence under s. 302.113 (9g), release to extended supervision under s. 302.113 (2)
15 (b), or adjustment of a bifurcated sentence under s. 973.195 (1r) or 973.198; issuance
16 of subpoenas or warrants under s. 968.375, arrest warrants, criminal summonses,
17 and search warrants; hearings under s. 980.09 (2); proceedings under s. 971.14 (1r)
18 (c); proceedings with respect to pretrial release under ch. 969 except where habeas
19 corpus is utilized with respect to release on bail or as otherwise provided in ch. 969;
20 or proceedings under s. 165.76 (6) to compel provision of a biological specimen for
21 deoxyribonucleic acid analysis.

22 **SECTION 6.** 973.01 (4) of the statutes is amended to read:

23 973.01 (4) ~~NO GOOD TIME; EXTENSION~~ EXTENSION OR REDUCTION OF TERM OF
24 IMPRISONMENT. A person sentenced to a bifurcated sentence under sub. (1) shall serve
25 the term of confinement in prison portion of the sentence without reduction for good

ASSEMBLY BILL 792**SECTION 6**

1 behavior. The term of confinement in prison portion is subject to extension under s.
2 302.113 (3) and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a.,
3 302.113 (2) (b) or (9g), 973.195 (1r), or 973.198.

4 **SECTION 7. Initial applicability.**

5 (1) This act first applies to persons sentenced on the effective date of this
6 subsection.

7 (END)