



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2828/3
MLJ:emw

2017 SENATE BILL 339

July 13, 2017 - Introduced by Senators FEYEN, L. TAYLOR, DARLING and MARKLEIN, cosponsored by Representatives TUSLER, GOYKE, R. BROOKS, ROHRKASTE, SPREITZER, QUINN, ZIMMERMAN, SPIROS, MURSAU, MURPHY, BORN, KRUG and TAUCHEN. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 303.08 (1) (intro.); and *to create* 302.335 (2j) of the statutes;
2 **relating to:** Huber release for probationers confined in a county jail or county
3 house of correction for a probation violation.

Analysis by the Legislative Reference Bureau

This bill allows a probationer who is confined in a county jail or other county facility for a probation violation to participate in Huber release, provided that his or her probation is due to a misdemeanor conviction and the probation violation for which he or she is confined is not a crime. Purposes for which a probationer may be temporarily released include employment-related activities and medical care. Under current law, a probationer who violates the conditions of probation may be confined in county jail pending the filing or disposition of probation revocation proceedings and may not leave during that time.

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

4 **SECTION 1.** 302.335 (2j) of the statutes is created to read:
5 302.335 (2j) The department shall allow a probationer detained in a county jail
6 or county house of correction under this section to be considered for participation in

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1 a program under s. 303.08 (1) (a), (b), (bn), or (e) if the person was placed on probation
2 for a misdemeanor and the probation violation for which he or she is confined is not
3 a crime. The sheriff or superintendent of the house of correction, in conjunction with
4 the department, shall determine the probationer's eligibility to participate in such
5 programs and may terminate participation at any time.

6 **SECTION 2.** 303.08 (1) (intro.) of the statutes is amended to read:

7 303.08 (1) (intro.) Any person sentenced to a county jail for crime, nonpayment
8 of a fine or forfeiture, or contempt of court or subject to a confinement sanction under
9 s. 302.113 (8m) or 302.114 (8m) or a probationer detained in a county jail or other
10 county facility for a probation violation who meets the criteria under s. 302.335 (2j)
11 may be granted the privilege of leaving the jail during necessary and reasonable
12 hours for any of the following purposes:

13 (END)