



2019 ASSEMBLY BILL 809

1 **AN ACT** *to amend* 302.045 (2) (c), 302.113 (9g) (b) (intro.) and 973.01 (3m); and
2 *to create* 304.02 (1m) and 973.09 (3) (d) 7. of the statutes; **relating to:** earned
3 release from parole or extended supervision and discharge from probation.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 302.045 (2) (c) of the statutes is amended to read:
5 302.045 (2) (c) The inmate is incarcerated regarding a violation other than a
6 crime specified in ch. 940 or s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b),
7 not including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02,
8 948.025, 948.03, 948.05, 948.051 (3), 948.055, 948.06, 948.07, 948.075, 948.08,
9 948.085, or 948.095.

10 **SECTION 3.** 302.113 (9g) (b) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 809**SECTION 3**

1 302.113 **(9g)** (b) (intro.) An inmate who is serving a bifurcated sentence for a
2 crime other than a Class B felony; a crime specified in s. 941.29 (1g) (a); a crime
3 specified in s. 941.29 (1g) (b), not including s. 951.02, 951.08, 951.09, or 951.095; or
4 a crime under s. 948.02 (3), 948.055, 948.075, or 948.095 may seek modification of
5 the bifurcated sentence in the manner specified in par. (f) if he or she meets one of
6 the following criteria:

7 **SECTION 4.** 304.02 (1m) of the statutes is created to read:

8 304.02 **(1m)** A person who is serving a sentence for a crime specified in s. 941.29
9 (1g) (a); a crime specified in s. 941.29 (1g) (b), not including s. 951.02, 951.08, 951.09,
10 or 951.095; or a crime under s. 948.02 (3), 948.055, 948.075, or 948.095 is not eligible
11 for special action release under this section.

12 **SECTION 6.** 973.01 (3m) of the statutes is amended to read:

13 973.01 **(3m)** CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing
14 a bifurcated sentence under this section on a person convicted of a crime other than
15 a crime specified in ch. 940 or s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b),
16 not including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02,
17 948.025, 948.03, 948.05, 948.051 (3), 948.055, 948.06, 948.07, 948.075, 948.08,
18 948.085, or 948.095, the court shall, as part of the exercise of its sentencing
19 discretion, decide whether the person being sentenced is eligible or ineligible for the
20 challenge incarceration program under s. 302.045 during the term of confinement in
21 prison portion of the bifurcated sentence.

22 **SECTION 7.** 973.09 (3) (d) 7. of the statutes is created to read:

23 973.09 **(3)** (d) 7. The probationer is on probation for a violation other than a
24 crime specified in s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b), not

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1 including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02 (3),
2 948.055, 948.075, or 948.095.

3 **SECTION 7r. Initial applicability.**

4 (1) This act first applies to convictions that occur on the effective date of this
5 subsection.

6 (END)