

2019 Assembly Bill 809 (LRB -5321)

An Act to amend 302.045 (2) (c), 302.05 (3) (a) 1., 302.113 (9g) (b) (intro.), 973.01 (3g) and 973.01 (3m); and to create 304.02 (1m) and 973.09 (3) (d) 7. of the statutes; relating to: earned release from parole or extended supervision and discharge from probation. (FE)

2020

01-27.	A.	Introduced by Representatives Hutton, Sanfelippo, Dittrich, Duchow, Edming, Gundrum, Horlacher, Jagler, James, Katsma, Knodl, Kuglitsch, Ott, Plumer, Ramthun, Tittl and Wichgers; cosponsored by Senators Craig, Jacque, Marklein, Nass and Stroebel.	510
01-27.	A.	Read first time and referred to Committee on Criminal Justice and Public Safety	510
01-30.	A.	Fiscal estimate received	
01-30.	A.	Public hearing held	
02-04.	A.	Fiscal estimate received	
02-04.	A.	Fiscal estimate received	
02-04.	A.	Fiscal estimate received	
02-05.	A.	Assembly Amendment 1 offered by Representatives Schraa and Sanfelippo (LRB a1085)	539
02-05.	A.	Representative Brandtjen added as a coauthor	541
02-06.	A.	Executive action taken	
02-06.	A.	Report Assembly Amendment 1 adoption recommended by Committee on Criminal Justice and Public Safety, Ayes 9, Noes 5	544
02-06.	A.	Report passage as amended recommended by Committee on Criminal Justice and Public Safety, Ayes 8, Noes 6	544
02-06.	A.	Referred to committee on Rules	544
02-06.	A.	Placed on calendar 2-11-2020 by Committee on Rules	
02-11.	A.	Read a second time	557
02-11.	A.	Assembly Amendment 1 adopted	557
02-11.	A.	Ordered to a third reading	557
02-11.	A.	Rules suspended	557
02-11.	A.	Read a third time and passed , Ayes 61, Noes 37	557
02-11.	A.	Ordered immediately messaged	557
02-12.	S.	Received from Assembly	669
02-13.	S.	Read first time and referred to committee on Senate Organization	674
02-13.	S.	Available for scheduling	
02-14.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 5, Noes 0	678
02-14.	S.	Placed on calendar 2-19-2020 pursuant to Senate Rule 18(1)	679
02-19.	S.	Read a second time	
02-19.	S.	Ordered to a third reading	
02-19.	S.	Rules suspended	
02-19.	S.	Read a third time and concurred in	
02-19.	S.	Ordered immediately messaged	
02-20.	A.	Received from Senate concurred in	639

DW



19en A B-809

ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

19-53211

Amendments: None or Listed below.

AA 1

Corrections: None or Listed by date below.

Topic: Same as relating clause or Indicated below.

2/24/20

Con

Date

Enrolling Drafter



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5321/1
EAW&CMH:amn

2019 ASSEMBLY BILL 809

January 27, 2020 - Introduced by Representatives HUTTON, SANFELIPPO, DITTRICH, DUCHOW, EDMING, GUNDRUM, HORLACHER, JAGLER, JAMES, KATZMA, KNODL, KUGLITSCH, OTT, PLUMER, RAMTHUN, TITTL and WICHGERS, cosponsored by Senators CRAIG, JACQUE, MARKLEIN, NASS and STROEBEL. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to amend** 302.045 (2) (c), 302.05 (3) (a) 1., 302.113 (9g) (b) (intro.), 973.01
2 (3g) and 973.01 (3m); and **to create** 304.02 (1m) and 973.09 (3) (d) 7. of the
3 statutes; **relating to:** earned release from parole or extended supervision and
4 discharge from probation.

Analysis by the Legislative Reference Bureau

This bill specifies that an individual who is on probation for committing certain violent crimes may not be discharged early from probation, and an individual who is serving a sentence in prison for certain violent crimes does not qualify for programs that allow early release to parole or extended supervision.

Under current law, the court may discharge a person from probation after he or she has completed 50 percent of his or her period of probation if he or she has met all the rules and conditions of probation. Under this bill, a person is not eligible to be discharged from probation under this provision if he or she is on probation for certain violent crimes.

Under current law, the Department of Corrections provides certain programs that allow inmates to qualify for release to parole or extended supervision, regardless of the amount of time that the inmate has served. Under current law, an inmate is ineligible for these programs if he or she is serving a sentence for certain violent crimes. This bill adds certain other violent crimes to the list of crimes that make an inmate ineligible for these programs.

Under current law, an inmate may petition for a reduced term of confinement in prison if that inmate has reached a certain age or has an extraordinary health

ASSEMBLY BILL 809

condition. Under this bill, an inmate is ineligible for the reduced term of confinement based on age or an extraordinary health condition if the inmate is serving a sentence for certain violent crimes.

Under current law, DOC may use a special action release program to relieve crowding in state prisons by releasing certain inmates to parole. Under this bill, an inmate is not eligible for special action release if he or she is serving a sentence for certain violent crimes.

For further information see the *state* 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.** 302.045 (2) (c) of the statutes is amended to read:

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

7 **SECTION 2.** 302.05 (3) (a) 1. of the statutes is amended to read:

8 302.05 (3) (a) 1. The inmate is incarcerated regarding a violation other than
9 a crime specified in ch. 940 or s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b),
10 not including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02,
11 948.025, 948.03, 948.05, 948.051 (3), 948.055, 948.06, 948.07, 948.075, 948.08,
12 948.085, or 948.095.

ART
1.

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

14 302.113 (9g) (b) (intro.) An inmate who is serving a bifurcated sentence for a
15 crime other than a Class B felony, a crime specified in s. 941.29 (1g) (a); a crime
16 specified in s. 941.29 (1g) (b), not including s. 951.02, 951.08, 951.09, or 951.095; or
17 a crime under s. 948.02 (3), 948.055, 948.075, or 948.095 may seek modification of

ASSEMBLY BILL 809

1 the bifurcated sentence in the manner specified in par. (f) if he or she meets one of
2 the following criteria:

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

4 304.02 (1m) A person who is serving a sentence for a crime specified in s. 941.29
5 (1g) (a); a crime specified in s. 941.29 (1g) (b), not including s. 951.02, 951.08, 951.09,
6 or 951.095; or a crime under s. 948.02 (3), 948.055, 948.075, or 948.095 is not eligible
7 for special action release under this section.

8 **SECTION 5.** 973.01 (3g) of the statutes is amended to read:

9 973.01 (3g) EARNED RELEASE PROGRAM ELIGIBILITY. When imposing a bifurcated
10 sentence under this section on a person convicted of a crime other than a crime
11 specified in ch. 940 or s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b), not
12 including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02, 948.025,
13 948.03, 948.05, 948.051 (3), 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, or
14 948.095, the court shall, as part of the exercise of its sentencing discretion, decide
15 whether the person being sentenced is eligible or ineligible to participate in the
16 earned release program under s. 302.05 (3) during the term of confinement in prison
17 portion of the bifurcated sentence.

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

19 973.01 (3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing
20 a bifurcated sentence under this section on a person convicted of a crime other than
21 a crime specified in ch. 940 or s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b),
22 not including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02,
23 948.025, 948.03, 948.05, 948.051 (3), 948.055, 948.06, 948.07, 948.075, 948.08,
24 948.085, or 948.095, the court shall, as part of the exercise of its sentencing
25 discretion, decide whether the person being sentenced is eligible or ineligible for the

AA1
2.

ASSEMBLY BILL 809

SECTION 6

1 challenge incarceration program under s. 302.045 during the term of confinement in
2 prison portion of the bifurcated sentence.

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

4 973.09 (3) (d) 7. The probationer is on probation for a violation other than a
5 crime specified in s. 941.29 (1g) (a); a crime specified in s. 941.29 (1g) (b), not
6 including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02 (3),
7 948.055, 948.075, or 948.095.

8

(END)

INS
AA 1
3.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa1085/1
CMH:wlj

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 809**

February 5, 2020 - Offered by Representatives SCHRAA and SANFELIPPO.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 7: delete lines 7 to 12.

3 **2.** Page 3, line 8: delete lines 8 to 17.

4 **3.** Page 4, line 7: after that line insert:

5 **"SECTION 7r. Initial applicability.**

6 (1) This act first applies to convictions that occur on the effective date of this
7 subsection."

8 (END)

INS
PAI
3.