



Tony Evers

Office of the Governor | State of Wisconsin

February 28, 2020

TO THE HONORABLE MEMBERS OF THE ASSEMBLY:

I am vetoing 2019 Assembly Bill 809 in its entirety.

This bill further limits who is eligible to participate in prison early release programs and who is eligible for early discharge from probation.

I am vetoing this bill in its entirety because I object to further restricting the Department of Corrections' discretion to determine who is eligible for certain early release programs and who is a good candidate for early discharge from probation. The Department of Corrections has an important role to play in working to improve public safety while also providing opportunities for meaningful rehabilitation. That includes identifying when people have paid their debt to society for prior actions and ensuring fair and compassionate decisions are made when they are able to safely return to our communities. We should be coming up with ways to reduce prison populations and incentivize rehabilitation, not the other way around.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tony Evers".

Tony Evers
Governor

State of Wisconsin



2019 Assembly Bill 809

Date of enactment:
Date of publication*:

2019 WISCONSIN ACT

AN ACT *to amend* 302.045 (2) (c), 302.113 (9g) (b) (intro.) 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.

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

SECTION 1. 302.045 (2) (c) of the statutes is amended to read:

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

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

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

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

304.02 (1m) A person who is serving a sentence for a crime specified in s. 941.29 (1g) (a); a crime specified

in s. 941.29 (1g) (b), not including s. 951.02, 951.08, 951.09, or 951.095; or a crime under s. 948.02 (3), 948.055, 948.075, or 948.095 is not eligible for special action release under this section.

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

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

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

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 7r. Initial applicability.

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