



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 666

**Assembly Substitute
Amendment 1**

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Current law provides that, in general, a person who is convicted of a crime may be placed on probation as an alternative to sentencing. As a condition of probation, a person may be confined in jail for up to one year. Also, current law provides that a person sentenced to serve jail time as a sentence for the conviction of a crime may earn a reduction in the jail term for good behavior (“good time”). In *Prue v. State*, 63 Wis. 2d 109 (1974), the Wisconsin Supreme Court held that a person serving jail time as a condition of probation is not eligible for good time, unless the person has been convicted of a crime for which there is a mandatory or presumptive minimum penalty under the statutes.

Current law also permits a court to require as a condition of probation that the probationer perform community service work. A probationer who performs required community service work reduces his or her term of confinement in jail as a condition of probation at a rate of one day for each three days of work performed.

Assembly Substitute Amendment 1 to Assembly Bill 666 provides that a person who is confined in jail as a condition of probation is not eligible to receive good time credit. In addition, the substitute amendment provides that a court may not order that a person placed on probation for a sex offense and confined as a condition of probation be eligible for a reduction in the period of confinement for good behavior. Also, a person placed on probation for a sex offense and confined as a condition of probation is not eligible for a reduction in the period of confinement for community service work performed.

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Honadel on October 17, 2005. The Assembly Committee on Criminal Justice and Homeland Security recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 8; Noes, 3 on October 27, 2005.

AS:rv:tlu