



1995 ASSEMBLY BILL 167

March 2, 1995 - Introduced by Representatives GREEN, KRUSICK, HUBER, GROBSCHMIDT, BALDUS, PLACHE, PLOMBON, SERATTI, HARS DORF, LEHMAN, PORTER, OWENS, VANDER LOOP, JOHNSRUD, DOBYNS, MUSSER, GRONEMUS, FOTI, AINSWORTH, SPRINGER, LADWIG, ZIEGELBAUER, WILDER, GUNDERSON, KREUSER, NASS, TURNER, OTTE, BRANDEMUEHL, WIRCH, GROTHMAN, WASSERMAN, UNDERHEIM, HOVEN, KLUSMAN, ALBERS, CARPENTER, OLSEN, HAHN, FREESE, HANDRICK, HANSON, SKINDRUD, KAUFERT, COLEMAN, RYBA, OTT, ZUKOWSKI, JENSEN and HUEBSCH, cosponsored by Senators ANDREA, C. POTTER, BRESKE, RUDE, FITZGERALD, HUELSMAN, CLAUSING, PLEWA, A. LASEE, BUETTNER, PETAK, SCHULTZ and DARLING. Referred to Committee on Criminal Justice and Corrections.

1 AN ACT *to amend* 303.065 (1), 304.02 (5), 304.071 (2) and 971.11 (1); and *to*
2 *create* 973.014 (1) (c) of the statutes; **relating to:** parole eligibility of persons
3 serving life sentences.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions for repeat serious felony offenders, if a person is convicted of first-degree intentional homicide or another crime punishable by life imprisonment, the court must sentence the person to life imprisonment and must make a parole eligibility determination either allowing ordinary parole eligibility provisions to apply or setting a later parole eligibility date. This bill gives the court a 3rd option: the court may provide that the life imprisonment is without the possibility of parole.

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:

4 SECTION 1. 303.065 (1) of the statutes is amended to read:
5 303.065 (1) The department may grant work release privileges to any person
6 incarcerated within the state prisons, except that no person serving a life sentence
7 may be considered for work release until he or she has reached parole eligibility

1 under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever is applicable, and no person
2 serving a life sentence under s. 939.62 (2m) or 973.014 (1) (c) may be considered for
3 work release.

4 **SECTION 2.** 304.02 (5) of the statutes is amended to read:

5 304.02 (5) Notwithstanding subs. (1) to (3), a prisoner who is serving a life
6 sentence under s. 939.62 (2m) or 973.014 (1) (c) is not eligible for release to parole
7 supervision under this section.

8 **SECTION 3.** 304.071 (2) of the statutes is amended to read:

9 304.071 (2) If a prisoner is not eligible for parole under s. 161.49 (2), 939.62
10 (2m), 973.014 (1) (c) or 973.032 (5), he or she is not eligible for parole under this
11 section.

12 **SECTION 4.** 971.11 (1) of the statutes is amended to read:

13 971.11 (1) Whenever the warden or superintendent receives notice of an
14 untried criminal case pending in this state against an inmate of a state prison, the
15 warden or superintendent shall, at the request of the inmate, send by certified mail
16 a written request to the district attorney for prompt disposition of the case. The
17 request shall state the sentence then being served, the date of parole eligibility, if
18 applicable, the approximate discharge or conditional release date, and prior decision
19 relating to parole. If there has been no preliminary examination on the pending case,
20 the request shall state whether the inmate waives such examination, and, if so, shall
21 be accompanied by a written waiver signed by the inmate.

22 **SECTION 5.** 973.014 (1) (c) of the statutes is created to read:

