



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #275

### **Sentence Adjustment for Class C through Class I Felonies (Corrections -- Sentencing Modifications)**

[LFB 2009-11 Budget Summary: Page 207, #1]

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#### **CURRENT LAW**

Under current law, felons sentenced to prison are given a bifurcated (two-part) sentence, under which a sentencing judge specifies an amount of time a convicted felon will serve in prison and an amount of time to serve in the community on extended supervision. The bifurcated sentencing structure is commonly known as "truth-in-sentencing."

An inmate's bifurcated sentence may be modified by the sentencing court in the following incidences: (a) upon successful completion of the challenge incarceration program or the earned release program; (b) if certain conditions are met after serving 85% of the prison portion of the a sentence for a Class C to E felony; (c) if certain conditions are met after serving 75% of the prison portion of the sentence for a Class F to I felony; (d) for a crime other than a Class B felony, if the inmate is 65 years or older and has served at least five years of the prison portion of his or her sentence, or if the inmate is 60 years or older and has served at least ten years of the prison portion of his or her sentence; or (e) for a crime other than a Class B felony, if the inmate has a terminal condition.

#### **GOVERNOR**

Modify current felony sentencing provisions, as follows:

***Positive Adjustment Time - Non-Violent Class F to Class I Felonies, Adjustment to Confinement Time.*** Specify that an inmate who is sentenced for a misdemeanor or for a Class F to Class I felony that is not a violent offense (defined below) may earn one day of positive adjustment time for every two days served that he or she does not violate any regulation of the

prison or does not refuse or neglect to perform required or assigned duties. Specify that an inmate is ineligible for the one day of positive adjustment time for every two days served if: (a) the inmate is subject to a special bulletin notification (for offenders convicted, or found not guilty or not responsible by reasons of mental disease or defect, on two or more separate occasions of a sex offense); (b) the inmate is a violent offender (described below); or (c) the Department determined that the person poses a high risk of reoffending after applying an objective risk assessment instrument supported by research.

Specify that the Department must release the inmate to extended supervision when he or she has served the prison portion of his or her sentence, less the positive adjustment time he or she has earned. Under the bill, the person's term of extended supervision would be increased so that the total length of the bifurcated sentence would not change.

***Positive Adjustment Time - High Risk or Violent Class F to Class I Felonies, and Class C to Class E Felonies, Adjustment to Confinement Time.*** Specify that certain inmates who are ineligible under the above provision may earn one day of positive adjustment time for every three days served that they do not violate any regulation of the prison or do not refuse or neglect to perform required or assigned duties. Inmates eligible for this positive adjustment time include: (a) inmates sentenced for a Class F to Class I felony that is a violent offense; or (b) inmates who the Department determines pose a high risk of reoffending after applying an objective risk assessment instrument supported by research. Specify that an inmate eligible for the one day of positive adjustment time for every three days served may petition the Earned Release Review Commission (described below) for release to extended supervision when he or she has served the prison portion of his or her sentence, less the positive adjustment time he or she has earned. Specify that inmates subject to a special bulletin notification are ineligible for release under the provision.

Further, specify that an inmate sentenced to a Class C to Class E felony may earn one day of positive adjustment time for every 5.7 days served that he or she does not violate any regulation of the prison or does not refuse or neglect to perform required or assigned duties. Specify that an inmate eligible for the one day of positive adjustment time for every 5.7 days served may petition the Earned Release Review Commission for release to extended supervision when he or she has served the prison portion of his or her sentence, less the positive adjustment time he or she has earned. Specify that inmates subject to a special bulletin notification are ineligible for release under the provision.

For petitions for release to extended supervision, the Earned Release Review Commission may consider any of the following: (a) the inmate's conduct, efforts at, and progress in, rehabilitation, or participation and progress in education, treatment, or other correctional programs since he or she was sentenced; (b) whether the inmate is subject to a sentence of confinement in another state or is in the U.S. illegally and may be deported; or (c) sentence adjustment is otherwise in the interests of justice.

Specify that the Earned Release Review Commission may reduce the term of

confinement of a person who petitions only as follows: (a) if the inmate is serving the term of confinement in prison portion of the sentence, a reduction in the term of confinement in prison by the amount of time remaining in the term of confinement in prison portion of the sentence, less up to 30 days, and a corresponding increase in the term of extended supervision; or (b) if the inmate is confined in prison upon revocation of extended supervision, a reduction in the amount of time remaining in the period of confinement in prison imposed upon revocation, less up to 30 days, and a corresponding increase in the term of extended supervision.

***Good Time - Non-Violent Class F to Class I Felonies, Adjustment to Extended Supervision Time.*** Specify that offenders who are sentenced for a misdemeanor or for a Class F to Class I felony that is not a violent offense are eligible to earn good time credit in the amount of one day for every day served without violating a rule or condition of extended supervision leading to a sanction or revocation. Specify that inmates are ineligible for the one day of good time credit for every one day served if the inmate is: (a) subject to a special bulletin notification; or (b) a violent offender.

Specify that the Department must discharge the person from extended supervision once he or she has served the extended supervision portion of his or her sentence, less the good time earned.

***Good Time - High Risk or Violent Class F to Class I Felonies, and Class C to Class E Felonies, Adjustment to Extended Supervision Time.*** Specify that offenders who are sentenced for a Class F to Class I felony that is a violent offense or who the Department determines pose a high risk of reoffending after applying an objective risk assessment instrument supported by research, are eligible to earn good time credit in the amount of one day for every three days served without violating a rule or condition of extended supervision leading to a sanction or revocation. Specify that after serving the extended supervision portion of his or her sentence, less good time earned, an offender may petition the Earned Release Review Commission to have his or her extended supervision reduced. Specify that inmates subject to a special bulletin notification are ineligible for release under this provision.

Further, specify that offenders who are sentenced for a Class C to Class E felony are eligible to earn good time credit in the amount of one day for every 5.7 days served without violating a rule or condition of extended supervision leading to a sanction or revocation. Specify that after serving the extended supervision portion of his or her sentence, less good time earned, an offender may petition the Earned Release Review Commission to have his or her extended supervision reduced. Specify that inmates subject to a special bulletin notification are ineligible for release under this provision.

For petitions to reduce an offender's period of extended supervision, specify that the Earned Release Review Commission may consider as grounds whether the person has met the conditions of extended supervision and a reduction is in the interests of justice.

***Earned Release Review Commission.*** Rename the Parole Commission, the Earned

Release Review Commission. In addition to the Parole Commission's current duties, provide that the Earned Release Review Commission may consider petitions to adjust the prison portion or extended supervision portion of eligible inmates' sentences (described above) and modify bifurcated sentences accordingly.

**Miscellaneous Provisions.** Specify that when an offender is given a bifurcated sentence with a term of confinement in prison, Corrections must apply an objective risk assessment instrument supported by research, and determine how likely it is that the person will commit another offense. Further, if Department determines that the offender poses a high risk of reoffending, the offender is ineligible to earn positive adjustment time for non-violent Class F to Class I felony offenders.

Specify that Corrections must discharge a person who is serving a bifurcated sentence from custody, control and supervision when the person has served the entire bifurcated sentence as modified under provisions of the bill. Currently, the Department of Corrections may not discharge a person who is serving a bifurcated sentence from custody, control and supervision until the person has served the entire bifurcated sentence.

Require the court, at the time of sentencing, in writing and orally, to not only identify the total length of the bifurcated sentence, and the amount of time an offender will serve in prison and under extended supervision (current law), but also: (a) the date upon which the offender is eligible to be released to extended supervision or the date upon which the offender may apply for release to extended supervision; and (b) the date upon which the offender may be eligible for discharge or apply for a reduction of his or her period of extended supervision.

Specify that rules of evidence are inapplicable in regards to proceedings related to releases to and discharges from extended supervision.

Specify that a victim and witness has the right to reasonable attempts for notice of applications for release to or discharge from extended supervision.

**Definitions.** Under the bill, "violent offense" is defined using a current law definition and includes the following offenses: (a) first-degree intentional homicide; (b) first-degree reckless homicide; (c) felony murder; (d) second-degree intentional homicide; (e) second-degree reckless homicide; (f) homicide by negligent handling of dangerous weapon, explosives or fire; (g) homicide by intoxicated use of vehicle or firearm; (h) homicide by negligent operation of vehicle; (i) battery that causes great bodily harm to another by an act done with intent to cause bodily harm or great bodily harm; (j) battery that causes great bodily harm to an unborn child by an act done with intent to cause bodily harm or great bodily harm to that unborn child, to the woman who is pregnant with that unborn child or another; (k) battery in specific circumstances; (l) battery or threat to witnesses; (m) battery or threat to a judge; (n) mayhem; (o) first-, second-, and third-degree sexual assault; (p) reckless injury; (q) intentional or reckless abuse of individuals at-risk; (r) abuse of residents of penal facilities; (s) abuse and neglect of patients and residents causing death, great bodily harm or intentional bodily harm; (t) kidnapping; (u)

intimidation of victims or witnesses by force or threat, or damage to property; (v) endangering safety by use of dangerous weapon; (w) use of machine guns and other weapons in certain cases; (x) recklessly endangering safety; (y) tampering with household products; (z) damage to property belonging to a grand or petit juror and the damage was caused by reason of any verdict or indictment; (aa) damage or threat to property of witness; (ab) criminal damage or threat to the property of a judge; (ac) arson of buildings and damage of property by explosives; (ad) arson with intent to defraud; (ae) molotov cocktails; (af) aggravated burglary; (ag) carjacking; (ah) threats to injure or accuse of crime; (ai) robbery; (aj) assaults by prisoners; (ak) bomb scares; (al) first- and second-degree sexual assault of a child; (am) engaging in repeated acts of sexual assault of the same child; (an) physical abuse of a child; (ao) causing mental harm to a child; (ap) sexual exploitation of a child; (aq) trafficking of a child; (ar) incest with a child; (as) child enticement; (at) soliciting a child for prostitution; (au) sexual assault of a child placed in substitute care; (av) abduction of another's child; and (aw) a crime under federal law or the law of any other state that is comparable to one of the preceding crimes.

Under the bill, a "violent offender" is defined, using a current law definition, as a person to whom one of the following applies: (a) the person has been charged with, or convicted of, an offense in a pending case and, during the course of the offense, the person carried, possessed, or used a dangerous weapon, the person used force against another person, or a person died or suffered serious bodily harm; or (b) the person has one or more prior convictions for a felony involving the use or attempted use of force against another person with the intent to cause death or serious bodily harm.

***Effective Date.*** Specify the statutory changes first apply to persons sentenced on December 31, 1999. Thus, the provision would apply to any eligible offender sentenced under the state's bifurcated sentencing structure.

## **DISCUSSION POINTS**

1. As indicated in the above summary of the Governor's recommendation, Assembly Bill 75 would create "positive adjustment time" to allow certain inmates to earn earlier release from prison and "good time" to allow certain offenders to earn earlier release from extended supervision. Under the bill, an inmate could earn "positive adjustment time" by not violating any regulation of the prison or not refusing or neglecting to perform required or assigned duties. An offender in the community could earn "good time" by not violating a rule or condition of extended supervision leading to a sanction or revocation.

2. Individuals eligible for the sentencing adjustments are generally divided into three categories: (a) offenders convicted of non-violent Class F to I felonies who are not determined by the Department of Corrections to be at high-risk of reoffending after applying an objective risk assessment instrument supported by research; (b) offenders convicted of violent or high-risk Class F to Class I felonies; and (c) offenders convicted of Class C to E felonies. Offenders subject to a special bulletin notification (for offenders convicted or found not guilty or not responsible by

reasons of mental disease or defect, on two or more separate occasions of a sex offense) are ineligible for the sentencing adjustments.

3. It should be noted that under the bill, while offenders subject to a special bulletin notice are ineligible for the sentence adjustments, other sex offenders would be eligible. During his budget testimony before the Joint Committee on Finance, however, the Secretary of the Department of Corrections indicated that the intent of the proposed language was to exclude all sex offenders who are required to register on the sex offender registry. As a result, the Committee may wish to modify the bill to exclude sex offenders required to register on the sex offender registry from the sentence adjustments. [Alternative 2]

4. Under the above alternative, the following offenses would be excluded from the sentence adjustments: (a) sexual contact with a patient or client by a therapist; (b) first-, second-, third-degree sexual assault; (c) incest; (d) first- or second-degree sexual assault of a child; (e) repeated acts of sexual assault of a child; (f) sexual exploitation of a child; (g) trafficking of a child; (h) causing a child to view or listen to sexual activity; (i) incest with a child; (j) child enticement; (k) using a computer to facilitate a child sex crime; (l) soliciting a child for prostitution; (m) sexual assault of a child placed in substitute care; (n) sexual assault of a student by a school staff person or person who works or volunteers with children; (o) selling, renting, exhibiting, transferring or loaning to a child any harmful material or verbally communicating, by any means, a harmful description or narrative account to a child; (p) possession of child pornography; (q) working or volunteering with children as a child sex offender; (r) abduction of another's child; (s) human trafficking for the purposes of a commercial sex act; and (t) false imprisonment or kidnapping, if the victim was a minor and the person is not the minor's parent.

5. Further, concerns have been raised about the inclusion for sentencing adjustments of the Class H offense of operating a motor vehicle under the influence of an intoxicant or other drug, five or more violations. The issue of operating while intoxicated has received increased public scrutiny in Wisconsin recently, and several bills have been introduced in the Legislature to modify current statutes. Given current concerns about operating while intoxicated, the Committee may wish to exclude this offense from the sentencing adjustments. [Alternative 3]

6. Under the bill, how sentences would be adjusted would depend on the category of offender. Offenders convicted of non-violent Class F to I felonies not considered high-risk would earn one day positive adjustment time for every two days served without violation of prison regulation, or refusal or neglect to perform required or assigned duties. For extended supervision, these same offenders would earn one day good time for every one day served without violation of a rule or condition of extended supervision leading to a sanction or revocation.

7. Offenders convicted of violent Class F to I felonies, or non-violent Class F to I felonies considered high-risk, would earn one day positive adjustment time for every three days served without violation of prison regulation, or refusal or neglect to perform required or assigned duties. For extended supervision, these offenders would earn one day good time for every three days served without violation of a rule or condition of extended supervision leading to a sanction or

revocation.

8. Offenders convicted of Class C to E felonies would earn one day positive adjustment time for every 5.7 days served without violation of prison regulation, or refusal or neglect to perform required or assigned duties. For extended supervision, these offenders would earn one day good time for every 5.7 days served without violation of a rule or condition of extended supervision leading to a sanction or revocation.

9. Attachment 1 identifies: (a) the categories of offenders who would be eligible for sentence modification under this provision; (b) the amount of positive adjustment time and good time each category of offender could earn; and (c) the deciding authority that determines the offender's release. Based on the categories of offenders provided under the bill, Attachment 2 identifies the maximum amount of time that sentences could be adjusted by felony classification. Further, Attachment 3 includes a list of all current Class C through I felonies, listed by classification and statutory cite.

10. The bill would also change the name of the Parole Commission to the Earned Release Review Commission (ERRC). In addition to the Parole Commission's current duties, the ERRC would consider petitions to adjust the prison portion or extended supervision portion of eligible inmates' sentences and modify sentences accordingly. It should be noted that sentence adjustments for the first category of offenders (non-violent Class F to I felonies) would be made by the Department, not the ERRC.

11. For the other categories of offenders (violent or high-risk Class F to I felonies, and Class C to E felonies), individuals would petition the ERRC for release to extended supervision from prison or release from extended supervision if in the community. For petitions for release to extended supervision from prison, the ERRC may consider any of the following: (a) the inmate's conduct, efforts at, and progress in, rehabilitation, or participation and progress in education, treatment, or other correctional programs since he or she was sentenced; (b) whether the inmate is subject to a sentence of confinement in another state or is in the U.S. illegally and may be deported; or (c) sentence adjustment is otherwise in the interests of justice. For petitions for release from extended supervision if in the community, the ERRC may consider as grounds whether the person has met the conditions of extended supervision and a reduction is in the interests of justice.

12. According to the Department, in 2007-08, a total of 2,203 offenders were released for non-violent Class F to I felonies, 451 offenders were released for violent Class F to I felonies, and 1,250 offenders were released for Class C to E felonies.

13. Of the above totals, it is unknown how many offenders' sentences would be adjusted under the bill and how many prison beds savings may occur as a result of the provisions. Factors that would affect how many offenders are eligible and how much time may be earned include how many offenders with non-violent Class F to I felonies might be assessed as high-risk, and how many regulation violations offenders might receive in prison and in the community. According to the Department, there is "no way to determine the actual number of inmates who would have their

sentences modified for release to supervision. Each inmate whose initial data screen appears to make them eligible for a sentence modification would have a risk assessment and a case history review completed, which is used in the final determination of whether or not a sentence modification could be approved. It is expected that during these two additional processes that there will be inmates who are determined to not be suitable for sentence modification."

14. At the public hearings for AB 75, testimony was provided both for and against the sentencing modifications in the bill. Many of the concerns addressed the issue of including the more serious felony classifications (Class C to E felonies) and the violent and high-risk Class F to I felonies for sentencing modifications. As a result, the Committee may wish to exclude these categories of offenders from the sentencing modifications of the bill. If the Committee pursued this alternative, the provisions related to the Earned Release Review Committee, whose work would be associated with these categories of offenders, could also be excluded. [Alternative 4]

15. Further, the sentencing modifications in the bill would first apply to offenders sentenced on December 31, 1999. It should also be noted, however, that the bill does not specify when the offender's conduct, which the Department would evaluate for any sentence adjustments, would occur. In other words, the bill could be read to allow the Department to review conduct that occurred prior to the effective date of the bill in determining any sentence adjustments. While the Department has indicated that they would only adjust sentences based on offender conduct occurring after the effective date of the bill, the Committee may wish to modify the bill to explicitly state this. [Alternative 5] Alternatively, the Committee could modify the bill to provide that the sentencing modifications would only apply to offenders sentenced on or after the effective date of the bill. [Alternative 6]

### **Justice Reinvestment Initiative Oversight Committee and Council of State Governments**

16. The Council of State Governments (CSG) Justice Center administers the Justice Reinvestment Project, where CSG Justice Center staff "work closely with state policymakers to advance fiscally-sound, data driven criminal justice policies to break the cycle of recidivism, avert prison expenditures and make communities safer." CSG describes the strategy of the Justice Reinvestment Project on its website as follows:

"To assist state policymakers, justice reinvestment staff is providing technical assistance to a limited number of states that demonstrate a bipartisan interest in the strategy:

Step 1: Analyze the prison populations and spending in the communities to which people in prison often return.

Step 2: Provide policymakers with options to general savings and increase public safety.

Step3: Quantify savings and reinvest in select high-stakes communities.

Step 4: Measure the impact and enhance accountability."

17. In 2008, Governor Doyle, Chief Justice Abrahamson, Senate President Risser, and



Assembly Speaker Huebsch requested technical assistance from the CSG Justice Center to look at Wisconsin's criminal justice trends and develop policy options to avert spending on Corrections and reinvest in strategies to increase public safety. In January, 2009, the Legislative Council established the Special Committee on Justice Reinvestment Initiative Oversight:

"The Special Committee is directed to serve as the entity to which the Council of State Governments (CSG) Justice Center reports. The study committee process creates a unique forum in which legislators will receive data from the Justice Center along with public members who work directly in different aspects of the corrections and criminal justice systems. The CSG Justice Center will provide technical assistance relating to correctional costs. Specifically, the technical assistance will include: (1) mapping of specific neighborhoods where large numbers of offenders are released from prison to identify how to improve coordinator of services, correctional supervision, and law enforcement; (2) analyzing the prison population to risk of re-offender; (3) developing policy options, based upon the data collected, to increase public safety and decrease corrections spending; and (4) projecting the fiscal impact of any policy options identified. Therefore, legislators and public members on the committee would develop a comprehensive understanding of the data collected and the issues identified and would be better equipped to analyze policy options relating to corrections."

18. The Legislative Council Special Committee on Justice Reinvestment Initiative Oversight (JRIO Committee) met in January, March, twice in April, and twice in May to review and discuss the CSG Justice Center's analysis. On May 15, 2009, the JRIO Committee voted and recommended passage for all the CSG recommendations. Attachment 4 summarizes many of the findings by the CSG Justice Center staff, as well as the five policy recommendations developed based on their work.

19. The policy recommendations submitted by the CSG Justice Center focused on targeting resources and changing behavior. Included in the CSG recommendations that appear to be relevant to the sentencing adjustment provisions addressed in this paper are:

- ***Maximum Term of Extended Supervision.*** Amend statutory language to provide that the maximum term of extended supervision may not exceed 75% of the term of confinement, except for Class A, B, and C felonies, and sex offenses specified under the sex offender registry statute. Under current law, felony classifications provide for a maximum term of confinement and maximum term of extended supervision. Further, statutory language requires that the term of extended supervision not be less than 25% of the term of confinement set by the court. However, there is no corresponding requirement that the term of extended supervision not be more than a certain percentage of the term of confinement set by the court.

- ***Risk Reduction Sentence.*** Create a "risk reduction sentence," specifying that when a court sentences a person convicted of a felony to imprisonment in a state prison, the court may order the person to serve a risk reduction sentence if the court determines that a risk reduction sentence is appropriate and if the person agrees to: (a) cooperate in an assessment of the person's risk of reoffending; and (b) participate in any programming or treatment ordered by the Department to address issues raised in any risk assessment.

Require the Department to provide risk reduction programming and treatment for an inmate sentenced to a risk reduction sentence. Further, the Department must: (a) conduct a risk assessment to assess the person's risk of reoffending using a valid, reliable, and objective instrument; and (b) provide programming and treatment to the person to address risks and needs identified in the risk assessment.

If the Department determines that an inmate has successfully completed the assessment and treatment or programming required, the Department must release the inmate to extended supervision after he or she has served 75% of the term of confinement portion of the sentence. The Department must notify the court at least 30 days before the inmate has served 75% of the term of confinement that the inmate successfully completed the requirements of the risk reduction sentence.

20. Generally, the above CSG recommendations have the potential effect of shortening an offender's overall sentence, as well as time spent in prison. By specifying the term of extended supervision (except for Class A, B, and C felonies, and sex offenses specified under the sex offender registry statute) may be no more than 75% of the term of confinement, offenders may serve shorter sentences than under current law. For example, for a Class G felony, the maximum term of confinement is five years and the maximum term of extended supervision is five years. Under the CSG recommendation, if the court sentences an offender convicted of a Class G felony to five years in prison, the maximum the court could set the term of extended supervision is 3.75 years (unless it is a sex offense, for which the court could still sentence the offender to a term of extended supervision up to five years).

21. Regarding the CSG recommendation for a risk reduction sentence, if the court sentenced an offender convicted of a Class G felony to a term of confinement of four years and a term of extended supervision of three years (the maximum extended supervision allowed by the other CSG recommendation), the total sentence would be seven years. However, if the court ordered a risk reduction sentence, and the offender successfully completed the requirements for the risk reduction, the term of confinement would be reduced to three years, 75% of the term of confinement, for a total sentence of six years.

22. While it appears that the above CSG recommendations do not directly conflict with the sentencing adjustments in AB 75, there may be some overlap in regards to provisions related to risk assessments. The bill would require the Department to apply "an objective risk assessment instrument supported by research" when a person is sentenced to prison to determine the person's risk of reoffending. The CSG recommendation related to risk reduction would require the Department to "conduct a risk assessment to assess the person's risk of reoffending using a valid, reliable, and objective instrument" for a person sentenced to prison with a risk reduction sentence.

23. Further, the cumulative effects of combining the CSG recommendations with the AB 75 provisions are not clear. The research and work conducted by the CSG and the JRIO Committee have been independent of the budget and not involved the sentencing provisions in AB 75. Broadly, the CSG recommendations provide for the potential of offenders to be sentenced to shorter sentences overall, while the AB 75 provisions provide for the potential of offenders to be

released earlier from their sentences. Put together, it appears that offenders could potentially serve far shorter sentences than provided under current law.

24. Utilizing the previous example, a Class G felony has a maximum term of confinement of five years and a maximum term of extended supervision of five years. If the court sentences an individual convicted of a Class G felony to the maximum sentence, the below scenarios are possible under: (a) current law; (b) AB 75; (c) the CSG recommendations; and (d) AB 75 and the CSG recommendations.

a. **Current Law.** A five-year term of confinement with a five-year term of extended supervision. The offender could modify his or her term of confinement by successfully completing the earned release or challenge incarceration program, or petitioning the sentencing court for release after serving 75% of the prison portion of the sentence. If the court modifies the offender's sentence and the offender is released to extended supervision, his or her extended supervision is increased by a corresponding amount so the overall sentence length does not change. So, if the offender successfully petitions for release at 75% of the prison term, he or she would serve 3.75 years in prison, and 6.25 years on extended supervision. Thus, the total sentence remains at 10 years.

b. **AB 75.** A five-year term of confinement with a five-year term of extended supervision. If the offender was convicted of a non-violent Class G felony, and determined not to be high-risk, the offender could earn one day of positive adjustment time for every two days not violating any prison regulation or not refusing or neglecting to perform required duties. If the offender had no violations, he or she could be released to extended supervision after serving 66.67% of the prison term, with the extended supervision increased by a corresponding amount, for a sentence adjustment of 3.33 years in prison, and 6.67 years on extended supervision (so the total sentence remains at 10 years). Further, the offender could earn one day of good time for every one day served without violating a rule or condition of extended supervision leading to a sanction or revocation. As a result, the offender could be released from extended supervision after 3.33 years, thus serving a total sentence of 3.33 years in prison and 3.33 years on extended supervision for a total sentence of 6.67 years.

For an offender convicted of a violent Class G felony, or a non-violent Class G felony but determined to be high risk, the offender could earn one day of positive adjustment time for every three days served without violation. Assuming no violations, he or she could be released to extended supervision after serving 75% of the prison term, with the extended supervision increased by a corresponding amount, for a sentence adjustment of 3.75 years in prison and 6.25 years on extended supervision (total sentence remains at 10 years). Further, the offender could earn one day of good time for every three days served without an extended supervision violation. As a result, the offender could be released from supervision after 4.7 years, thus serving a total sentence of 3.75 years in prison and 4.7 years on extended supervision, for a total sentence of 8.4 years.

c. **CSG Recommendations.** A five-year term of confinement with a 3.75-year term of extended supervision, for a total sentence of 8.75 years. Further, if the court orders a risk reduction sentence, which the offender successfully completes, the offender may be released to extended

supervision after serving 3.75 years in prison, for a total sentence of 3.75 years in prison and 3.75 years on extended supervision, a total of 7.5 years.

d. ***AB 75 and CSG Recommendations.*** A five-year term of confinement with a 3.75-year term of extended supervision, for a total sentence of 8.75 years. If the court orders a risk reduction sentence, which the offender successfully completes, the offender may be released as a result of risk reduction after serving 3.75 years in prison. Further, if the offender is not high-risk, and convicted of a non-violent Class G felony, he or she could earn one day of positive adjustment time for every two days without violations (66.67% of the prison term), which would provide release to extended supervision after serving 2.5 years in prison. At this point, the offender would have a total sentence of 7.5 years – 2.5 years in prison, and 5 years on extended supervision (under the CSG recommendations, the total sentence would be reduced by the risk reduction sentence amount, while under AB 75, the earned positive adjustment time would be added to extended supervision). Further, the offender could earn one day of good time for every day on extended supervision without violation. As a result, the offender could be released from extended supervision after serving 2.5 years, with a resulting total sentence of 5 years.

If the offender is convicted of a violent Class G felony, or non-violent Class G felony but considered high-risk, he or she could earn one day of positive adjustment time for every three days without violations (75% of the prison term), which would provide release to extended supervision after serving 2.8 years. At this point the offender would have a total sentence of 7.5 years – 2.8 years in prison, and 4.7 years on extended supervision. Further, the offender could earn one day good time for every three days on extended supervision without violation. As a result, the offender could be released from extended supervision after serving 3.5 years, with a resulting total sentence of 6.3 years.

25. Considering the detailed work that CSG has been conducting for the JRIO Committee to develop policy recommendations related to Wisconsin sentencing practices, but the uncertainty have how these recommendations might interact with the sentencing provisions proposed in the budget bill, the Committee may wish to remove the sentencing provisions from the bill. [Alternative 8]

26. Alternatively, if the Committee wished to pursue the sentencing adjustments in the bill, but still provide time for planning and implementation with the CSG recommendations put forth by the JRIO Committee, the Committee could delay implementation of the sentencing adjustments for one year. This alternative would allow the Legislature time to conform any adopted CSG recommendations with the AB 75 provisions, and allow the Department of Corrections time to plan for implementation of the sentencing modifications. [Alternative 7]

## **ALTERNATIVES**

1. Approve the Governor's recommendation to allow for sentence adjustments to certain offenders who earn positive adjustment time (for the confinement portion of their sentence)

or good time (for the extended supervision portion of their sentence).

2. Modify the Governor's recommendation to exclude from the sentence adjustment provisions those offenders who are convicted of a sex offense, as defined by the sex offender registration statute [s. 301.45(1d)(b)].

3. Modify the Governor's recommendation to exclude from the sentencing adjustment provisions those offenders who are convicted of operating a motor vehicle under the influence of an intoxicant or other drug, five or more violations [s. 346.65(2)(am)5].

4. Modify the Governor's recommendation to allow for the sentence adjustments only to inmates sentenced for a misdemeanor or for a Class F to Class I felony that is not a violent offense and the Department determined is not a high risk of reoffending. Delete the provisions related to the Earned Release Review Commission.

5. Specify that any positive adjustment time or good time earned be based on conduct by the offender that occurs after the effective date of the provision. [This alternative may be adopted with any of the other alternatives.]

6. Specify the sentencing adjustments adopted apply to offenders sentenced on or after the effective date of the provision. [This alternative may be adopted with any of the other alternatives.]

7. Specify that the effective date of the provisions adopted occurs one year after the day after publication of the bill. [This alternative may be adopted with any of the other alternatives.]

8. Delete the provision.

Prepared by: Chris Carmichael  
Attachments



# ATTACHMENT 1

## Sentence Adjustments in AB 75

<u>Offender Type</u>	<u>Maximum Confinement Modification (Positive Adjustment Time)</u>	<u>Maximum Extended Supervision Modification (Good Time)</u>	<u>Deciding Authority</u>
Non-violent Class F to Class I felony offense or misdemeanor, whom Corrections determines is: (a) not at high risk of reoffending; (b) not a violent offender; and (c) not subject to a special bulletin notice.	<b>One day adjustment for every two days</b> served without violation of prison regulation, or refusal or neglect to perform required or assigned duties. Confinement (prison) time reduced, offender released to extended supervision (community supervision). If offender has served less than the entire confinement time, extended supervision portion of the sentence lengthened by the amount of time that the confinement time is reduced.	<b>One day adjustment for every one day</b> served without violation of a rule, or condition of extended supervision leading to a sanction or revocation. Extended supervision time reduced, offender discharged from extended supervision (community supervision) sentence less good time.	<b>Department of Corrections</b> , required to release the offender to extended supervision or discharge the offender from supervision, if specific conditions are met.
Violent Class F to Class I felony offense or a non-violent Class F to Class I felony offense but determined by Corrections to be at high risk of reoffending. Would not apply to offenders subject to a special bulletin notice.	<b>One day adjustment for every three days</b> served without violation of prison regulation, or refusal or neglect to perform required or assigned duties. Confinement (prison) time reduced, offender released to extended supervision (community supervision). If offender is serving the confinement portion of the sentence, the reduction in confinement time is the amount of time remaining in confinement, and the extended supervision portion of the sentence is lengthened by the amount of time that the confinement time is reduced.	<b>One day adjustment for every three days</b> served without violation of a rule, or condition of extended supervision leading to a sanction or revocation. Extended supervision time reduced, offender discharged from extended supervision (community supervision) sentence less good time.	<b>Earned Release Review Commission</b> , based on a petition from the offender after the offender has served the confinement or extended supervision sentence less any adjustment or good time. Commission's decision for confinement release is based on: (a) inmate's conduct, efforts at and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs; (b) inmate is subject to a sentence of confinement in another state, or is in the United States illegally and may be deported; or (c) the interests of justice. The Commission may consider as grounds for discharge from extended supervision whether the offender has met the conditions of extended supervision and a reduction is in the interests of justice.

<u>Offender Type</u>	Maximum Confinement Modification (Positive Adjustment Time)	Maximum Extended Supervision Modification (Good Time)	<u>Deciding Authority</u>
Sentenced for a Class C to Class E felony offense. Would not apply to offenders subject to a special bulletin notice.	<b>One day adjustment for every 5.7 days</b> served without violation of prison regulation, or refusal or neglect to perform required or assigned duties. Confinement (prison) time reduced, offender released to extended supervision (community supervision). If offender is serving the confinement portion of the sentence, the reduction in confinement time is the amount of time remaining in confinement, and the extended supervision portion of the sentence is lengthened by the amount of time that the confinement time is reduced.	<b>One day adjustment for every 5.7 days</b> served without violation of a rule, or condition of extended supervision leading to a sanction or revocation. Extended supervision time reduced, offender discharged from extended supervision (community supervision) sentence less good time.	<b>Earned Release Review Commission</b> , based on a petition from the offender after the offender has served the confinement or extended supervision sentence less any adjustment or good time. Commission's decision for confinement release is based on: (a) inmate's conduct, efforts at and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs; (b) inmate is subject to a sentence of confinement in another state, or is in the United States illegally and may be deported; or (c) the interests of justice. The Commission may consider as grounds for discharge from extended supervision whether the offender has met the conditions of extended supervision and a reduction is in the interests of justice.



## ATTACHMENT 2

### Felony Sentence Adjustments under AB 75

	<u>Current Law</u>		<u>AB 75</u>		<u>Current Law</u>		<u>AB 75</u>	
	<u>Prison Term</u>	<u>Extended Supervision (Imposed)</u>	<u>Prison Term</u>	<u>Extended Supervision*</u>	<u>Maximum Sentence</u>	<u>Maximum Sentence Served</u>	<u>Percentage Served</u>	
<u>Non-Violent Class F to Class I Felonies</u>								
Class F	7.5	5.0	5.0	3.8	12.5	8.8	70.0%	
Class G	5.0	5.0	3.3	3.3	10.0	6.7	66.7	
Class H	3.0	3.0	2.0	2.0	6.0	4.0	66.7	
Class I	1.5	2.0	1.0	1.3	3.5	2.3	64.3	
<u>Violent or High-Risk Class F to Class I Felonies</u>								
Class F	7.5	5.0	5.6	5.2	12.5	10.8	86.3%	
Class G	5.0	5.0	3.8	4.7	10.0	8.4	84.4	
Class H	3.0	3.0	2.3	2.8	6.0	5.1	84.4	
Class I	1.5	2.0	1.1	1.8	3.5	2.9	83.0	
<u>Class C to Class E Felonies</u>								
Class C	25.0	15.0	21.3	15.9	40.0	37.2	93.0%	
Class D	15.0	10.0	12.8	10.4	25.0	23.2	92.7	
Class E	10.0	5.0	8.5	5.5	15.0	14.0	93.5	

\*Under the bill, the extended supervision portion of the sentence would be increased by the amount of positive adjustment time earned. Thus, the total extended supervision (original time imposed plus the amount of positive adjustment time) would be adjusted for good time.



## ATTACHMENT 3

### Classified Felony Offenses, On or After February 1, 2003 [Statutory Citation]

#### Class C Felonies

1. First-degree reckless homicide, where drugs are provided or administered ("Len Bias" Law) [940.02]
2. Homicide by intoxicated use of a vehicle, one or more previous convictions, suspension or revocation relating to certain operating under the influence offenses [940.09(1c)(b)]
3. Mayhem [940.21]
4. Second-degree sexual assault [940.225(2)]
5. Abuse of vulnerable adults under circumstances that cause death by intentional or reckless maltreatment, except for employees of certain institutions, facilities and programs [940.285(2)(b)1g]
6. Abuse or neglect by employees of certain institutions, facilities or programs of persons at risk under circumstances that cause death by intentional or reckless abuse or neglect [940.295(3)(b)1g]
7. Taking hostages when, before the time of the hostage taker's arrest, each person who is held as a hostage is released without bodily harm [940.305]
8. Kidnapping [940.31]
9. Causing death to another by tampering with household products [941.327]
10. Arson of a building; damage of property by explosives [943.02]
11. Carjacking [943.23(1g)]
12. Armed robbery [943.32(2)]
13. Robbery of a financial institution [943.87]
14. Absconding after being adjudicated delinquent for a Class C felony [946.50(3)]
15. Second-degree sexual assault of a child [948.02(2)]
16. Engaging in repeated acts of first- or second-degree sexual assault of a child, if fewer than three violations involved first-degree sexual assault. [948.025(1)(e)]
17. Physical abuse of a child (intentionally causing great bodily harm) [948.03(2)(a)]
18. Sexual exploitation of a child [948.05(2p)(b)]
19. Trafficking a child [948.051(1)]
20. Trafficking a child (benefiting in any manner from a violation) [948.051(2)]
21. Using a computer to facilitate a child sex crime [948.075]
22. Sexual assault of a child placed in substitute care [948.085]
23. Incest with a child [948.06]
24. Abduction of another's child by force or threat of force [948.30(2)]
25. Manufacture, distribution or delivery of cocaine or cocaine base, more than 40 grams [961.41(1)(cm)4.]
26. Manufacture, distribution or delivery of heroin, more than 50 grams [961.41(1)(d)4.]
27. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, more than 50 grams [961.41(1)(e)4.]
28. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, more than 50 grams [961.41(1)(hm)4.]
29. Manufacture, distribution or delivery of flunitrozepam more than 50 grams [961.41(1)(im)4.]
30. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 40 grams [961.41(1m)(cm)4.]
31. Possession with intent to manufacture, distribute or deliver heroin, more than 50 grams [961.41(1m)(d)4.]
32. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, more than 50 grams [961.41(1m)(e)4.]

**Class C Felonies (continued)**

33. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, more than 50 grams [961.41(1m)(hm)4.]
34. Possession with intent to manufacture, distribute or delivery of flunitrazepam more than 50 grams [961.41(1m)(im)4.]

**Class D Felonies**

1. Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves death [346.74(5)(d)]
2. Second-degree reckless homicide [940.06]
3. Homicide by intoxicated use of a vehicle [940.09(1c)(a)]
4. Homicide by intoxicated use of a firearm [940.09(1g)]
5. Aggravated battery (causing great bodily harm to another by an act done with intent to cause great bodily harm) [940.19(5)]
6. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause great bodily harm) [940.195(5)]
7. First-degree reckless injury [940.23(1)]
8. Abuse of vulnerable adults under circumstances that cause death by negligent maltreatment, except for employees of certain institutions, facilities and programs [940.285(2)(b)(1g)]
9. Abuse or neglect by employees of certain institutions, facilities or programs of persons at risk under circumstances that cause death by negligent abuse or neglect [940.295(3)(b)g]
10. Human trafficking (knowingly engaging in) [940.302(2)(a)]
11. Human trafficking (benefiting in any manner from a violation) [940.302(2)(b)]
12. Possession of body armor, second or subsequent violation [941.291(3)(b)]
13. Theft of farm raised fish (second or subsequent violation) [943.74]
14. Absconding after being adjudicated delinquent for a Class D felony [946.50(4)]
15. Child enticement [948.07]
16. Soliciting a child for prostitution [948.08]
17. Possession of child pornography [948.12(3)(a)]
18. Neglect of a child resulting in death [948.21(d)]
19. Contributing to the delinquency of a child if death is a consequence [948.40(4)(a)]
20. Manufacture, distribution or delivery of cocaine or cocaine base, more than 15 grams, but not more than 40 grams [961.41(1)(cm)3.]
21. Manufacture, distribution or delivery of heroin, more than 10 grams but not more than 50 grams [961.41(1)(d)3.]
22. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, more than 10 grams but not more than 50 grams [961.41(1)(e)3.]
23. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, more than 10 grams but not more than 50 grams [961.41(1)(hm)3.]
24. Manufacture, distribution or delivery of flunitrazepam more than 10 grams but not more than 50 grams [961.41(1)(im)3.]
25. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 15 grams but not more than 40 grams [961.41(1m)(cm)3.]
26. Possession with intent to manufacture, distribute or deliver heroin, more than 10 grams but not more than 50 grams [961.41(1m)(d)3.]
27. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, more than 10 grams but not more than 50 grams [961.41(1m)(e)3.]
28. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, more than 10 grams but not more than 50 grams [961.41(1m)(hm)3.]
29. Possession with intent to manufacture, distribute or delivery of flunitrazepam more than 10 grams but not more than 50 grams [961.41(1m)(im)3.]

### **Class E Felonies**

1. Obtaining, selling, or soliciting more than 10 telephone records that pertain to another person without the person's consent [100.525(3)(c)]
2. Sale or disposal of denatured alcohol resulting in death [125.68(12)(c)]
3. Fleeing an officer resulting in death [346.17(3)(d)]
4. Striking a person or attended or occupied vehicle and not remaining at the scene if the accident involves injury to a person and the person suffers great bodily harm [346.74(5)(c)]
5. Abortion ("feticide") of an unborn quick child by a person other than the pregnant woman; causing the death of the mother by an act done to destroy her unborn child [940.04(2)]
6. Abuse of a patient or resident under circumstances that cause great bodily harm to the person [940.295(3)(b)1m]
7. Possession of body armor [941.291(3)(a)]
8. Contributing to the death of another by obstructing emergency or rescue personnel [941.37(4)]
9. Aggravated burglary [943.10(2)]
10. Robbery [943.32(1)]
11. Transferring encumbered property, if the value of the property exceeds \$100,000 [943.84 & 943.91(5)]
12. Supervising, organizing, financing, or managing three or more financial crimes within an 18-month period [943.88]
13. Absconding after being adjudicated delinquent for a Class E felony [946.50(5)]
14. Engaging in racketeering activity [946.84]
15. Engaging in a continuing criminal enterprise [946.85(1)]
16. Abduction of another's child [948.30(1)]
17. Manufacture, distribution or delivery of a narcotic included in schedule I or II [961.41(1)(a)]
18. Manufacture, distribution or delivery of cocaine or cocaine base, more than 5 grams, but not more than 15 grams [961.41(1)(cm)2.]
19. Manufacture, distribution or delivery of heroin, more than 3 grams but not more than 10 grams [961.41(1)(d)2.]
20. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, more than three grams but not more than 10 grams [961.41(1)(e)2.]
21. Manufacture, distribution or delivery of lysergic acid diethylamide, more than 5 grams [961.41(1)(f)3.]
22. Manufacture, distribution or delivery of psilocin or psilocylin, more than 500 grams [961.41(1)(g)3.]
23. Manufacture, distribution or delivery of THC more than 10,000 grams or more than 200 plants containing THC [961.41(1)(h)5.]
24. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, more than three grams but less than 10 grams [961.41(1)(hm)2.]
25. Manufacture, distribution or delivery of flunitrazepam more than three grams but not more than 10 grams [961.41(1)(im)2.]
26. Possession with intent to manufacture, distribute or deliver of a narcotic included in schedule I or II [961.41(1m)(a)]
27. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than 5 grams but not more than 15 grams [961.41(1m)(cm)2.]
28. Possession with intent to manufacture, distribute or deliver heroin, more than 3 grams but not more than 10 grams [961.41(1m)(d)2.]
29. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, more than three grams but not more than 10 grams [961.41(1m)(e)2.]
30. Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, more than 5 grams [961.41(1m)(f)3.]
31. Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, more than 500 grams [961.41(1m)(g)3.]
32. Possession with intent to manufacture, distribute or delivery THC, more than 10,000 grams or more than 200 plans containing THC [961.41(1m)(h)5.]
33. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, more than three grams but less than 10 grams [961.41(1m)(hm)2.]

**Class E Felonies (continued)**

34. Possession with intent to manufacture, distribute or delivery of flunitrazepam more than three grams but not more than 10 grams [961.41(1m)(im)2.]
35. Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, a counterfeit substance included in schedule I or II which is a narcotic drug [961.41(2)(a)]

**Class F Felonies**

1. Sale and manufacturing of liquor without permits [125.66(3)]
2. Delivering alcohol from denatured alcohol [125.68(12)(b)]
3. Fraudulently receiving deposits [134.16]
4. False or fraudulent drug tax stamp [139.95(3)]
5. Falsification or withholding of information related to a declaration to a physician [154.15(2)]
6. Falsification or withholding of information related to a do-not-resuscitate order [154.29(2)]
7. False statements by officer, director, or employee of a credit union [186.80(2)]
8. Filing of a false document with the Division of Savings and Loans [214.93]
9. Falsification of records and dishonest acts, savings and loans [215.12]
10. Illegal loans to government officials [221.0625(2) (intro)]
11. False statements by officer, director or employee of a state bank [221.1004(2)]
12. Second or subsequent violation of hazardous waste transportation, storage, treatment or disposal [291.97(2)(c)2.]
13. Fleeing an officer resulting in great bodily harm [346.17(3)(c)]
14. Operating a motor vehicle under the influence of an intoxicant or other drug, 10 or more violations [346.65(2)(am)7.]
15. Solicitation to commit a crime for which the penalty is life imprisonment [939.30(2)]
16. Mutilating a corpse [940.11]
17. Sexual exploitation by a therapist [940.22(2)]
18. Second-degree reckless injury [940.23(2)]
19. Injury by intoxicated use of a vehicle [940.25(1)]
20. Abuse of a vulnerable adult under circumstances that cause great bodily harm [940.285(2)(b)1m]
21. Abuse and neglect of patients and residents (intentional abuse or neglect that causes great bodily harm) [940.295(3)(b)1r]
22. Stalking (causing bodily harm, with a prior history of violence with the victim or using a dangerous weapon) [940.32(3)]
23. Endangering safety by intentionally discharging a firearm from a vehicle while on a highway or public parking lot [941.20(3)(a)]
24. Modifying a firearm to make it a machine gun [941.26(2)(b)]
25. First-degree recklessly endangering safety [941.30(1)]
26. Possession of explosives [941.31]
27. Administering a dangerous or stupefying drug with intent to facilitate commission of a crime [941.32]
28. Causing great bodily harm by tampering with household products [941.327(2)(b)3]
29. Burglary [943.10(lm)]
30. Loan sharking [943.28]
31. Unlawful receipt of payments to obtain a loan for another (if the value of the payment exceeds \$2,500) [943.62(4)(c)]
32. Computer crimes (if the offense creates a substantial and unreasonable risk of death or great bodily harm to another, causes damage valued at more than \$2,500, or causes an interruption or impairment of governmental operations, public communications, transportation or the supply of gas, water or other public services) [943.70(2)(b) 3g, 3r and 4 & (3)(b) 4]
33. Infecting animals with a contagious disease (intentional introduction) [943.76(2)]
34. Incest [944.06]
35. Pandering (if compensated from the earnings of prostitute) [944.33]
36. Sabotage [946.02]
37. Sedition [946.03]

**Class F Felonies (continued)**

38. Escape by individuals subject to Chapter 980 proceedings and/or supervision [946.42(3m)]
39. Assault by prisoners [946.43(1m)]
40. Public officer or public employee assisting or permitting escape [946.44(1g)]
41. Bringing a firearm into prison or jail; transferring a firearm to a prisoner [946.44(1m)]
42. Absconding after being adjudicated delinquent for a Class F felony [946.50(5d)]
43. Physical abuse of a child (causing bodily harm by conduct creating a high probability of great bodily harm) [948.02(2)(c)]
44. Failure by a person responsible for the welfare of a child to prevent sexual assault of the child [948.02(3)]
45. Failure by a person responsible for the welfare of a child to prevent great bodily harm to a child [948.03(4)(a)]
46. Causing mental harm to a child; failure by a person responsible for the welfare of a child to prevent mental harm to the child [948.04]
47. Sexual exploitation of a child, if the actor is under 18 years of age when the offense occurs [948.05(2p)(b)]
48. Causing a child under the age of 13 to view or listen to sexual activity [948.055(2)(a)]
49. Child sex offender working with children [948.13(2)]
50. Neglect of a child, if great bodily harm is a consequence [948.21(c)]
51. Interference with custody of a child with intent to deprive the custodian of custody rights; concealing a child [948.31(1)(b)&(3)]
52. Manufacture, distribution or delivery of cocaine or cocaine base, more than one gram but less than five grams [961.41(1)(cm)1r.]
53. Manufacture, distribution or delivery of heroin, three grams or less [961.41(1)(d)1.]
54. Manufacture, distribution or delivery of phencyclidine, amphetamine, methamphetamine or methcathinone, three grams or less [961.41(1)(e)1.]
55. Manufacture, distribution or delivery of lysergic acid diethylamide, more than one gram but not more than 5 grams [961.41(1)(f)2.]
56. Manufacture, distribution or delivery of psilocin or psilocylin, more than 100 grams but not more than 500 grams [961.41(1)(g)2.]
57. Manufacture, distribution or delivery of THC, more than 2,500 grams but not more than 10,000 grams, or more than 50 plants containing THC but not more than 200 plants containing THC [961.41(1)(h)4.]
58. Manufacture, distribution or delivery of certain other schedule I controlled substances or ketamine, three grams or less [961.41(1)(hm)1.]
59. Manufacture, distribution or delivery of flunitrazepam three grams or less [961.41(1)(im)1.]
60. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, more than one gram but not more than five grams [961.41(1m)(cm)1r.]
61. Possession with intent to manufacture, distribute or deliver heroin, three grams or less [961.41(1m)(d)1.]
62. Possession with intent to manufacture, distribute or deliver phencyclidine, amphetamine, methamphetamine or methcathinone, three grams or less [961.41(1m)(e)1.]
63. Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, more than one gram but not more than 5 grams [961.41(1m)(f)2.]
64. Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, more than 100 grams but not more than 500 grams [961.41(1m)(g)2.]
65. Possession with intent to manufacture, distribute or delivery THC, more than 2,500 grams but not more than 10,000 grams, or more than 50 plants containing THC but less than 200 plants containing THC [961.41(1m)(h)4.]
66. Possession with intent to manufacture, distribute or delivery of certain other schedule I controlled substances or ketamine, three grams or less [961.41(1m)(hm)1.]
67. Possession with intent to manufacture, distribute or deliver flunitrazepam, three grams or less [961.41(1m)(im)1.]
68. Possession of any amount of piperidine [961.41(1n)(c)]
69. Possession or disposal of waste from manufacture of methamphetamine, second or subsequent offense [961.437(4)(b)]

**Class F Felonies (continued)**

70. Use of a person who is 17 years of age or under for the purpose of the manufacture, distribution or delivery of a controlled substance [961.455(1)]

**Class G Felonies**

1. Illegal use of food stamps with a value of \$5,000 or more [49.795(8)(c)]
2. Illegal intent to secure public assistance if the value exceeds \$10,000 [49.95(1)(f)]
3. Obtaining, selling, or soliciting two or more telephone records that pertain to another person without the person's consent [100.525(3)(b)]
4. Intentional destruction of a PECFA record [101.143(10)(b)]
5. Death by providing alcoholic beverages to a minor [125.075(2)(b)]
6. Use or manufacturing of counterfeit cigarette stamps [139.44(1)]
7. Tampering with cigarette meter [139.44(1m)]
8. Violation of fireworks manufacturing licensure requirement [167.10(9)(g)]
9. Operating a motor vehicle under the influence of an intoxicant or other drug, 7, 8 or 9 violations [346.65(2)(am)6.]
10. Willful violation of fraudulent and practices statutes under state franchise investment law [553.52(1)]
11. Fraud in connection with the offer or sale of any franchise [553.52(2)]
12. Homicide resulting from negligent control of a vicious animal [940.07]
13. Homicide by negligent handling of a dangerous weapon, explosives or fire [940.08]
14. Homicide by negligent operation of a vehicle [940.10]
15. Hiding a corpse [940.11(2)]
16. Third-degree sexual assault [940.225(3)]
17. Strangulation and suffocation, second or more violation, or a previous violation for a violent crime [940.235(2)]
18. Abuse of vulnerable adults (intentional maltreatment under circumstances that are likely to cause great bodily harm) [940.285(2)(b)1r]
19. Abuse and neglect of patients and residents (intentional abuse or neglect that is likely to cause great bodily harm) [940.295(3)(b)1r]
20. Felony intimidation of a witness [940.43]
21. Felony intimidation of a victim [940.45]
22. Endangering safety (by discharging firearm into a vehicle or building or setting a spring gun) [941.20(2)]
23. Possession of a firearm by certain persons [941.29(2)]
24. Second-degree recklessly endangering safety [941.30(2)]
25. Theft (if the value of the property exceeds \$10,000) [943.20(3)(c)]
26. Theft from the person of another or a corpse [943.20(3)(e)]
27. Receiving stolen property (if the value of the property exceeds \$10,000) [943.34(1)(c)]
28. Fraudulent use of financial transaction cards (if the value of the money, goods, services, or property exceeds \$10,000 within a period not exceeding six months) [943.41(8)(c)]
29. Retail theft (if the value of the merchandise exceeds \$10,000) [943.50(4)(c)]
30. Transferring encumbered property, if the value of the property exceeds \$10,000 but does not exceed \$100,000 [943.84 & 943.91(4)]
31. Absconding after being adjudicated delinquent for a Class G felony [946.50(5h)]
32. Physical abuse of a child (recklessly causing great bodily harm) [948.03(3)(a)]
33. Abandonment of a child [948.20]
34. Hazing (if the act results in the death of another) [948.51(3)(c)]
35. Leaving a child unattended in a child care vehicle, if death is a consequence, if the person is responsible for the child's welfare [948.53(2)(b)4.]
36. Discharging or attempting to discharge a firearm in a school zone [948.605(3)(a)]
37. Receiving stolen property from a child (if the value of the property exceeds \$5,000) [948.62(1)(c)]
38. Manufacture, distribution or delivery of cocaine or cocaine base one gram or less [961.41(1)(cm)1g.]
39. Manufacture, distribution or delivery of lysergic acid diethylamide, one gram or less [961.41(1)(f)1.]
40. Manufacture, distribution or delivery of psilocin or psilocylin, one hundred grams or less [961.41(1)(g)1.]



**Class G Felonies (continued)**

41. Manufacture, distribution or delivery of THC, more than 1,000 grams but not more than 2,500 grams, or more than 20 plants containing THC but not more than 50 plants containing THC [961.41(1)(h)3.]
42. Possession with intent to manufacture, distribute or deliver cocaine or cocaine base, one gram or less [961.41(1m)(cm)1g.]
43. Possession with intent to manufacture, distribute or deliver lysergic acid diethylamide, one gram or less [961.41(1m)(f)1.]
44. Possession with intent to manufacture, distribute or deliver psilocin or psilocylin, one hundred grams or less [961.41(1m)(g)1.]
45. Possession with intent to manufacture, distribute or deliver THC, more than 1,000 grams but not more than 2,500 grams or more than 20 plants containing THC but not more than 50 plants containing THC [961.41(1m)(h)3.]
46. Using, or possessing with primary intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine, if in the presence of a child who is aged 14 or younger [961.573(3)(b)2.]
47. Drug paraphernalia delivery or possession with intent to deliver, by any person age 17 or older, to any person 17 years or younger for use to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine [961.575(3)]

**Class H Felonies**

1. Criminal violations of lobby law statutes [13.69(6m)]
2. Causing death or injury by interfering with all-terrain vehicle route or trail sign standard [23.33(13)(cg)]
3. Intentionally setting fires to land of another or a marsh [26.14(8)]
4. Failure to render aid in a boating accident that involves the death of a person [30.80(2g)(d)]
5. Falsifying boat certificate or title, or altering hull or engine serial numbers [30.80(3m)]
6. Committing a fraudulent act in connection with providing items or services under W-2 [49.141(7)(a)]
7. Solicitation or receiving of a kickback, bribe or rebate in connection with providing items or services under W-2 [49.141(9)(a)]
8. Offering or paying a kickback, bribe or rebate in connection with providing items or services under W-2 [49.141(9)(b)]
9. Improper charging by a provider for W-2 services [49.141(10)(b)]
10. Removal, deposit or concealment of property or aiding in the removal, deposit or concealment of any property with intent to evade or defeat the assessment or collection of any debt under the Aid to Families with Dependent Children and Wisconsin Works programs [49.195(3n)(k)]
11. Committing a fraudulent act in connection with providing items or services under medical assistance [49.49(1)(b)1.]
12. Soliciting or receiving a kickback, bribe or rebate in connection with providing medical assistance [49.49(2)(a)]
13. Offering or paying a kickback, bribe or rebate in connection with providing medical assistance [49.49(2)(b)]
14. Fraudulent certification of qualified medical assistance facilities [49.49(3)]
15. Improper charging by a provider for medical assistance services [49.49(3m)(b)]
16. Improper charging by a facility for medical assistance services [49.49(4)(b)]
17. Violation of a rule relating to prescription drug assistance for elderly persons [49.688(9)(b)]
18. Illegal use of food stamps with a value over \$100, but is less than \$5,000, second and subsequent offenses [49.795(8)(b)2.]
19. Illegal intent to secure public assistance if the value exceeds \$5,000 but does not exceed \$10,000 [49.95(1)(e)]
20. False statement related to emergency mental health detentions [51.15(12)]
21. False statement related to protective services placements [55.135(2)]
22. False statement related to securing or assisting in the securing of housing for persons of low income in order to receive more than \$25,000 [66.1207(1)(c)]
23. False income tax return; fraud [71.83(2)(b)1.]
24. Officer of a corporation; false franchise or income tax return [71.83(2)(b)2.]
25. Fraudulent claim for tax credit [71.83(2)(b)4.]

**Class H Felonies (continued)**

26. Tampering with road signs if the tampering results in the death of a person [86.192(4)]
27. Use of meat from dead or diseased animals [97.43(4)]
28. Violation of horsemeat labeling requirements [97.45(2)]
29. Knowingly making a false statement in an application for a certificate of title for a mobile home [101.9204(2)]
30. Intoxicating and reckless flying [114.09(2)(a)5.]
31. False statement related to aircraft registration [114.20(18)(c)]
32. Injury by providing alcohol beverages to a minor [125.075(2)(a)]
33. Impersonating an agent, inspector or employee of DOR or DOJ in commission of a crime [125.105(2)(b)]
34. Trafficking in counterfeit trademarks and other commercial marks with intent to deceive [132.20(2)]
35. Unlawful contracts or conspiracies in restraint of trade or commerce [133.03(1)]
36. Monopolization of any part of trade or commerce [133.03(2)]
37. Fraudulent issuance or use of warehouse receipts or bills of lading [134.20(1)(intro)]
38. Issuance of warehouse receipts without entering item into register with intent to defraud [134.205(4)]
39. Violations of purchase and sale of scrap metal statutes, more than one previous violation [134.405(5)]
40. Intentionally using, attempting to use, or possessing with intent to use, personal identifying information or personal identification document of an individual, including a deceased individual, without authorization or consent of the individual, for the purpose of obtaining credit, goods, or services [139.345(3)(b)3.]
41. Possessing a schedule I or II controlled substance or ketamine or flunitrazepam not bearing drug tax stamp [139.95(2)]
42. Sale of human organs for transplantation prohibited [146.345(3)]
43. Female genital mutilation [146.35(5)]
44. Filing of false 911 report [146.70(10)(a)]
45. Prohibited acts related to records of anatomical gifts [157.06(17)]
46. False statement related to a motor vehicle salvage dealer license [218.21(7)]
47. Theft by bank employee or officer [221.0636(2)]
48. Violation of statutes related to the Women, Infant and Children program, second or subsequent violation [253.06(4)(b)]
49. Transportation of hazardous waste to an unlicensed facility or site, and storage, treatment, transportation or disposal of any hazardous waste without a license [291.97(2)(b) (intro)]
50. Failure to comply with sex offender registration requirements (excludes certain sex registrants convicted of sexually motivated misdemeanors, first violations) [301.45(6)(a)1.]
51. Failure to comply with sex offender registration requirements, second or subsequent offenses by certain sex registrants convicted of sexually motivated misdemeanors [301.45(6)(a)2.]
52. Criminal violations of restrictions on sex registrants establishing or changing residence (excludes certain sex registrants convicted of sexually motivated misdemeanors, first violations) [301.45(6)(ag)1.]
53. Criminal violations of restrictions on sex registrants establishing or changing residence, second or subsequent offenses by certain sex registrants convicted of sexually motivated misdemeanors [301.45(a)(ag)2.]
54. Prohibition on sex offender name changes (excludes certain sex registrants convicted of sexually motivated misdemeanors) [301.47(3)(a)]
55. Unlawful transfer of license plates, insert tag, decal or other evidence of registration or the transfer of counterfeit, forged or fictitious license plates, insert tag, decal or other evidence of registration [341.605(3)]
56. False statement in an application for a vehicle title [342.06(2)]
57. Failing to obtain title for salvage vehicle, with intent to defraud [342.065(4)(b)]
58. Violation of mileage disclosure requirements with intent to defraud [342.155(4)(b)]
59. Transfers of leased vehicles, with intent to defraud [342.156(6)(b)]
60. Alteration of vehicle identification number [342.30(3)(a)]
61. Counterfeiting and unlawful possession of certificate of title [342.32(3)]
62. Fleeing an officer resulting in bodily harm, or damage to property [346.17(3)(b)]
63. Operating a motor vehicle under the influence of an intoxicant or other drug, five or six violations [346.65(2)(am)5.]
64. Causing death or injury by interfering with snowmobile route or trail sign or standard [350.11(2m)]

**Class H Felonies (continued)**

65. Wholesale distributors of prescription drugs, prohibited actions [450.074(3)]
66. Delivery or possession with intent to manufacture or deliver a prescription drug in violation of the Pharmacy Examining Board statutes [450.11(9)(b)]
67. Illegal delivery of poisons [450.14(5)]
68. Placing of prescription drugs: (a) in public place; or (b) upon private premises without consent of owner or occupant [450.15(2)]
69. Willful violation of securities law [551.508(1)]
70. Willful violation of corporate take-over laws [552.19(1)]
71. Tampering with race animals; illegal killing of race dogs; counterfeiting race tickets with intent to defraud; illegal race activities [562.13(4)]
72. Willful violation or failure to comply with statutes or false statements related to employee welfare funds [641.19(4)(a)]
73. Willful and unlawful use of employee welfare funds [641.19(4)(b)]
74. Failure or neglect to respond to a writ of mandamus [783.07]
75. Solicitation to commit a felony (other than a Class A or Class E felony) [939.30(1)]
76. Abortion ("feticide") by a person other than the pregnant woman [940.04(1)]
77. Assisting suicide [940.12]
78. Aggravated battery (causing great bodily harm to another by an act done with intent to cause bodily harm; or causing bodily harm to another by conduct that creates a substantial risk of great bodily harm) [940.19(4)&(6)]
79. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause bodily harm; or causing bodily harm to an unborn child by conduct that creates a substantial risk of great bodily harm) [940.195 (4)&(6)]
80. Battery by prisoners [940.20(1)]
81. Battery by persons committed to institutional care for sexually violent persons [940.20(1g)]
82. Battery to law enforcement officers, fire fighters and commission wardens [940.20(2)]
83. Battery to probation and parole agents and aftercare agents [940.20(2m)]
84. Battery to jurors [940.20(3)]
85. Battery to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver [940.20(7)(b)]
86. Battery or threat to witnesses [940.201]
87. Battery or threat to a judge [940.203]
88. Battery or threat to a Department of Revenue employee [940.205]
89. Battery or threat to a Department of Commerce or Department of Workforce Development employee [940.207]
90. Strangulation and suffocation [940.235(1)]
91. Intentional abuse of vulnerable adults under circumstances that cause bodily harm [940.285(2)(b)2]
92. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that cause bodily harm [940.295(3)(b)2]
93. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstances that cause great bodily harm [940.295(3)(b)3]
94. False imprisonment [940.30]
95. Stalking (if the defendant intentionally gains access to certain records in order to facilitate the violation or if the defendant has a prior stalking or harassment conviction) [940.32(2m)]
96. Unsafe burning of buildings [941.11]
97. Endangering safety by intentionally pointing a firearm at a law enforcement officer, fire fighter, emergency medical technician, first responder, ambulance driver, and commission warden [941.20(1m)]
98. Disarming a peace officer [941.21]
99. Selling, possessing, using or transporting a machine gun [941.26(2)(a)]
100. Sale or commercial transportation of a tear gas device [941.26(2)(e)]
101. Using a tear gas device to cause bodily harm or bodily discomfort to a peace officer [941.26(2)(f)]
102. Using or threatening to use a tear gas or pepper spray device during commission of a crime to cause bodily harm or bodily discomfort to another [941.26(2)(g)&(4)(e)]

**Class H Felonies (continued)**

103. Using pepper spray device to cause bodily harm or bodily discomfort to a peace officer [941.26(4)(d)]
104. Selling, transporting or possessing a short-barreled shotgun or rifle [941.28]
105. Selling, manufacturing or possessing an electric weapon [941.295]
106. Using or possessing a handgun with armor-piercing bullets during the commission of certain crimes [941.296]
107. Selling, delivering or possessing a firearm silencer [941.298]
108. Making, transferring, possessing or using an improvised explosive device or possessing materials or components with intent to assemble an improvised explosive device [941.31(2)]
109. Unlawful delivery or distribution of nitrous oxide [941.315(3)]
110. Creating a high probability of great bodily harm to another by tampering with household products [941.327(2)(b)2]
111. Arson with intent to defraud [943.04]
112. Possession, manufacture or transfer of a fire bomb [943.06]
113. Theft (if the value of the property exceeds \$5,000 but does not exceed \$10,000) [943.20(3)(bm)]
114. Theft (under certain circumstances) [943.20(3)(d)]
115. Unauthorized use of an individual's personal identifying information or documents [943.201(2)]
116. Unauthorized use of an entity's identifying information or documents [943.203(2)]
117. Unlawful transfer of recorded sounds if involving at least 1,000 recordings or if the transferred sounds are replayed by others from the Internet at least 1,000 times during a 180-day period or after the person has been convicted of such unlawful transfer [943.207(3m)(c)]
118. Recording performance without consent of performance owner if involving at least 1,000 sound recordings or 100 audiovisual recordings during a 180-day period or after the person has been convicted of such recording [943.208(2)(c)]
119. Failure to disclose manufacturer of a recording if involving at least 100 recordings during a 180-day period or after the person has been convicted of failure to disclose the manufacturer of a recording [943.209(2)(c)]
120. Taking and driving a motor vehicle without the owner's consent [943.23(2)]
121. Threats to injure or accuse of a crime (extortion) [943.30]
122. Receiving stolen property (if the value exceeds \$5,000 but does not exceed \$10,000) [943.34(1)(bm)]
123. Forgery of certain documents; uttering certain forged documents [943.38(1)&(2)]
124. Fraudulent writings [943.39]
125. Fraudulent destruction of certain writings [943.40]
126. Fraudulent use of financial transaction cards (if the value of the money, goods, services, or property exceeds \$5,000 but does not exceed \$10,000 within a period not exceeding six months) [943.41(8)(c)]
127. Retail theft (if the value of the merchandise exceeds \$5,000 but does not exceed \$10,000) [943.50(4)(bm)]
128. Criminal slander of title [943.60]
129. Theft of library material (if the value of the library materials exceeds \$2,500) [943.61(5)(c)]
130. Crime against computers (if the damage is greater than \$2,500 to the computer, computer system computer network, equipment or supplies) [943.70(3)(b)3]
131. Unauthorized release of animals lawfully confined without consent [943.75(2m)]
132. Infecting animals with a contagious disease (threat) [943.76(4)]
133. False representation of a financial institution to obtain money, goods, services, or a person's personal identifying information [943.80(2)]
134. Transferring encumbered property, if the value of the property exceeds \$500 but does not exceed \$10,000 [943.84 & 943.91(3)]
135. Bribery involving a financial institution [943.85]
136. Extortion against a financial institution [943.86]
137. Mail fraud involving a financial crime [943.89]
138. Wire fraud against a financial institution [943.90]
139. Obscene material or performance (if the person has two or more prior obscenity convictions or if the violation is for a wholesale transfer or distribution of obscene material) [944.21(5)(c)&(e)]
140. Soliciting prostitutes [944.32]
141. Keeping a place of prostitution [944.34]

**Class H Felonies (continued)**

142. Bribery of a participant in a contest [945.08]
143. Bribery of public officers and employees [946.10]
144. Perjury [946.31]
145. False swearing [946.32(1)]
146. Obstructing an officer (by giving or providing information or evidence that results in the conviction of innocent person) [946.41(2m)]
147. Escape by individuals in custody of an agent or officer, based on an alleged violation and probation, parole, or extended supervision [946.42(2m)]
148. Felony escape [946.42(3)]
149. Felony failure to report to jail [946.425(1), (1m)(b)&(1r)(b)]
150. Assisting or permitting escape [946.44(1)]
151. False information regarding kidnapped or missing persons [946.48]
152. Felony bail jumping [946.49(1)(b)]
153. Absconding after being adjudicated delinquent for a Class H felony [946.50(5p)]
154. Bribery of a witness [946.61]
155. Simulating legal process (if the act is meant to induce payment of a claim or simulates any criminal process) [946.68(1r)(b)&(c)]
156. Impersonating a peace officer with intent to commit a crime or aid and abet commission of a crime [946.70(2)]
157. Tampering with public records [946.72(1)]
158. Aiding escape from mental institution (with intent to commit a crime against sexual morality with or upon the inmate of the institution) [946.74(2)]
159. False statements to financial institutions [946.79(2)]
160. Harassment (if defendant has a prior conviction for certain offenses or intentionally gains access to certain records in order to facilitate the violation) [947.013(1v)&(1x)]
161. Physical abuse of a child (intentionally causing bodily harm) [948.03(2)(b)]
162. Physical abuse of a child (recklessly causing bodily harm to a child by conduct which creates a high probability of great bodily harm) [948.03(3)(c)]
163. Failing to act to prevent bodily harm to a child [948.03(4)(b)]
164. Causing a child between the ages of 13 and 17 to view or listen to sexual activity [948.055(2)(b)]
165. Sexual assault of a child by a school staff person or a person who works or volunteers with children [948.095]
166. Neglect of a child, if bodily harm is a consequence [948.21(a)]
167. Unauthorized placement for adoption [948.24]
168. Contributing to the delinquency of a child (if the child's act which is encouraged or contributed to is a violation of a criminal law punishable as a felony) [948.40(4)(b)]
169. Hazing (if the act results in great bodily harm) [948.51(3)(b)]
170. Leaving a child unattended in a child care vehicle, if death is a consequence, if the person is responsible for the child's welfare [948.53(2)(b)3.]
171. Selling or giving a dangerous weapon to a person under 18 (if the person under 18 years of age discharges the firearm and the discharge causes death of any person) [948.60(2)(c)]
172. Receiving stolen property from a child (if the value of the property exceeds \$2,500 but does not exceed \$5,000) [948.62(1)(bm)]
173. Instigating fights between animals (second or subsequent violation) [951.18(2)]
174. Harassment of police or fire department animals (causing death to the animal) [951.18(2m)]
175. Harassment of service dogs, if intentionally causes the death of the dog, or intends to deprive another of the use of the dog [951.18(2s)]
176. Manufacture, distribution or delivery of any other controlled substance included in schedule I, II or III, or a controlled substance analog of any other controlled substance included in schedule I or II [961.41(1)(b)]
177. Manufacture, distribution or delivery of THC, more than 200 grams but not more than 1,000 grams, or more than four plants containing THC but not more than 20 plants containing THC [961.41(1)(h)2.]
178. Manufacture, distribution or delivery of a substance included in schedule IV, except flunitrazepam [961.41(1)(i)]

**Class H Felonies (continued)**

179. Possession with intent to manufacture, distribute or deliver any other controlled substance included in schedule I, II or III, or a controlled substance analog of a controlled substance included in schedule I or II [961.41(1m)(b)]
180. Possession with intent to manufacture, distribute or deliver THC, more than 200 grams but not more than 1,000 grams, or more than four plants containing THC but not more than 20 plants containing THC [961.41(1m)(h)2.]
181. Possession with intent to manufacture, distribute or deliver a substance included in schedule IV, except flunitrazepam [961.41(1m)(i)]
182. Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, any other counterfeit substance included in schedule I, II, III or IV [961.41(2)(b)]
183. Possession or attempted possession of gamma-hydroxybutyric acid (GHB), gamma-butyrolactone, 1, 4-butanediol, ketamine or flunitrazepam [961.41(3g)(f)]
184. Acquire or obtain a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge [961.43(2)]
185. Possession or disposal of waste from manufacture of methamphetamine, first offense [961.437(4)(a)]
186. Knowingly solicit, hire, direct, employ, or use another to purchase a pseudoephedrine product on his or her behalf, with the intent to acquire more than 7.5 grams of a pseudoephedrine product within a 30-day period, if the person who is solicited, hired, directed, employed, or used to purchase the pseudoephedrine product is an individual less than 18 years old [961.453(1)(b)2.]
187. Use of, or possession with primary intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or an analog of methamphetamine, if not in the presence of a child aged 14 or younger [961.573(3)(a)]
188. Delivery, possession with intent to deliver, or manufacture with intent to deliver drug paraphernalia used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack repack or store methamphetamine or an analog of methamphetamine [961.574(3)]
189. Possession of ephedrine or pseudoephedrine product, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, or pressurized ammonia with intent to manufacture methamphetamine [961.65]
190. Illegal interception and disclosure of wire, electronic or oral communications [968.31(1)(intro)]
191. Violation of an oath by a stenographic reporter or typewriter operator in connection with a grand jury [968.43(3)]

**Class I Felonies**

1. Criminal violations of campaign finance statutes [11.61(1)(a) and (b)]
2. Criminal violations of elections statutes [12.60(1)(a)]
3. Logrolling by members of the Legislature prohibited [13.05]
4. Granting of executive favor by members of the Legislature prohibited [13.06]
5. Political influence violations of conduct standards and ethics codes for state and local public officials [19.58(1)(b)]
6. Taking, transporting, acquiring, selling, purchasing, or possessing (or attempting these actions), or failing to comply with any record-keeping requirement for fish with a value exceeding \$1,000 in violation of statutes [29.971(1)(c)]
7. Possession of clams with a value exceeding \$1,000 in violation of statutes [29.971(1m)(c)]
8. Failure to render aid in a boating accident that involves injury to a person and the person suffers great bodily harm [30.80(2g)(c)]
9. Improper release of mines and explored mine land information by employees of the Geological and Natural History Survey or Department of Revenue [36.25(6)(d)]
10. Employment discrimination against an individual to a levy associated with aids to families with dependent children or Wisconsin Works programs. [49.195(3n)(r)]
11. Illegal use of food stamps with a value over \$100, but is less than \$5,000, first offense [49.795(8)(a)2.]
12. Illegal intent to secure public assistance if the value exceeds \$2,000 but does not exceed \$5,000 [49.95(1)(d)]
13. False statement related to securing or assisting in the securing of housing for persons of low income in order to receive at least \$2,500 but not more than \$25,000 [66.1207(1)(b)]
14. Fraudulent or destroyed vital statistical record [69.24(1)(intro)]

**Class I Felonies (continued)**

15. Tampering with records of the Board of Review with intent to injure or defraud [70.47(18)(a)]
16. Income tax evasion [71.83(2)(b)3.]
17. Intentional violation of prize notification laws [100.171(7)(b)]
18. Violation of commission merchant duties and responsibilities [100.26(2)]
19. Obtaining, selling, or soliciting a telephone record that pertains to another person without the person's consent [100.525(3)(a)]
20. Illegal handling and storage of anhydrous ammonia [101.10(4)(b)]
21. Tampering with carbon monoxide detector in residential building, second or subsequent offense [101.149(8)(c)2.]
22. Intent to evade collection of uninsured employer levies under the worker's compensation law [102.835(11)]
23. Violation of an order to cease operation because of a lack of worker's compensation insurance [102.85(3)]
24. Evading collection of unemployment compensation levies under employment compensation law [108.225(11)]
25. Receiving money or other considerations for providing false proof of age [125.085(3)(a)2.]
26. Unauthorized use of armed persons to protect persons or property or to suppress strikes [134.58]
27. Unlawful possession of cigarettes if the number exceeds 36,000 [139.44(8)(c)]
28. Knowing and willful failure to report release of a hazardous substance, first offense [166.20(11)(b)1.]
29. Knowing and willful failure to report release of a hazardous substance, second and subsequent offenses [166.20(11)(b)2.]
30. Filing of a false document with DFI, business corporation [180.0129(2)]
31. Filing of a false document with DFI, nonstock corporations [181.0129(2)]
32. Filing of a false document with DFI, cooperatives [185.825]
33. Illegal disclosure of information by employees of the Office of Credit Unions [186.235(7)(c)]
34. Fraudulently obtaining or using a certificate of authority to issue any security by a public service corporation [201.09(2)]
35. Illegal disclosure of information by employees of the Division of Savings and Loans [215.02(6)(b)]
36. Giving or accepting money for loans, savings and loans [215.21(21)]
37. Illegal disclosure of information by employees of the Division of Banking [220.06(2)]
38. Illegal commission to bank office and employees [221.0637(2)]
39. Violation of statutes related to the Women, Infant and Children Program, first violation [253.06(4)(b)]
40. Intentional violations of air pollution statutes and rules, second and subsequent convictions [285.87(2)(b)]
41. Second or subsequent violation of hazardous waste handling reporting requirements [291.97(2)(c)1.]
42. False statement to DNR related to used oil facilities, second or subsequent violations [299.53(4)(c)2.]
43. Illegal delivery of articles to inmates by prison or jail employees [302.095(2)]
44. Fleeing an officer [346.17(3)(a)]
45. Negligent use of a vehicle causing great bodily harm [346.65(5)]
46. Violation of Dental Examining Board statutes, second or subsequent offenses [447.09]
47. Facilitation of off-track wagering and possession of fraudulent wagering tickets with intent to defraud [562.13(3)]
48. Forged or altered lottery ticket [565.50(2)]
49. Intentional violation of any insurance statute or rule [601.64(4)]
50. Intentional violation of an injunction ordering a respondent to strictly comply with a judgment or order related to a physical placement [767.242(8)]
51. Solicitation to commit a Class I felony [939.30(2)]
52. Violation of conditions of lifetime supervision (if the violation also constitutes a felony) [939.615(7)(b)2]
53. Abortion by a pregnant woman [940.04(4)]
54. Abortion (various prohibitions) [940.15]
55. Aggravated battery (causing substantial bodily harm to another by an act done with intent to cause bodily harm) [940.19(2)]
56. Aggravated battery to an unborn child (causing substantial bodily harm to an unborn child by an act done with intent to cause bodily harm) [940.195(2)]
57. Battery by a person subject to certain injunctions [940.20(1m)]

**Class I Felonies (continued)**

58. Battery to public officers [940.20(4)]
59. Battery to a technical college district or school district officer or employee [940.20(5)]
60. Battery to a public transit vehicle operator or passenger [940.20(6)]
61. Battery to certain employees of counties, cities, villages, or towns [940.208]
62. Injury by negligent handling of a dangerous weapon, explosives or fire [940.24]
63. Abuse of vulnerable adults (reckless or negligent maltreatment under circumstances that are likely to cause great bodily harm) [940.285(2)(b)1r]
64. Intentional abuse of vulnerable adults under circumstances that are likely to cause bodily harm [940.285(2)(b)2]
65. Abuse of residents of penal facilities [940.29]
66. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that are likely to cause bodily harm [940.295(3)(b)2]
67. Reckless or negligent abuse or neglect of patients or residents of certain facilities under circumstance that are likely to cause great bodily harm [940.295(3)(b)3]
68. Stalking (if the victim suffers fear of bodily injury or death, or defendant has certain prior convictions against same victim) [940.32(2)&(2e)]
69. Interfering with fire fighters or a fire alarm system [941.12(1)]
70. Distributing, or possessing with intent to distribute, a hazardous substance, and knowing or having reason to know that the hazardous substance will be abused (does not apply to a person who distributes a hazardous substance in an ordinary course of business) [941.316(3)]
71. Placing foreign objects in edibles [941.325]
72. Tampering with household products [941.327(2)(b)1]
73. False information concerning an act that constitutes tampering with household products [941.327(3)]
74. Obstructing emergency or medical personnel with reasonable grounds to believe that the interference may endanger another's safety [941.37]
75. Throwing or discharging bodily fluids at public safety workers [941.375(2)]
76. Soliciting a child to participate in criminal gang activity [941.38(2)]
77. Unlawful visual representations of nudity [942.09]
78. Damage to certain property [943.01(2)]
79. Criminal damage to plant research and development [943.01(2d)]
80. Criminal damage to certain coin-operated or card-operated machines with intent to commit theft [943.01(2g)]
81. Damage or threat to damage property of a witness [943.011(2)]
82. Criminal damage to or graffiti on religious and other property [943.012]
83. Criminal damage to property of a judge [943.013(2)]
84. Criminal damage to property of a Department of Revenue employee [943.015]
85. Graffiti to certain property [943.017(2)]
86. Graffiti to property of a witness [943.017(2m)(b)]
87. Arson of property other than a building [943.03]
88. Possession of burglarious tools [943.12]
89. Theft (if the value of the property exceeds \$2,500 but does not exceed \$5,000) [943.20(3)(bf)]
90. Theft of trade secrets [943.205]
91. Unauthorized transfer of recorded sounds if fewer than 1,000 records during a 180-day period and the value exceeds \$2,500 [943.207(3m)(b)]
92. Recording performance without consent of performance owner if involving fewer than 1,000 sound recordings or 100 audiovisual recordings during a 180-day period and the value exceeds \$2,500 [943.208(2)(b)]
93. Failure to disclose manufacturer of recording if fewer than 100 recordings during a 180-day period and the value exceeds \$2,500 [943.209(2)(b)]
94. Fraud on a hotel or restaurant keeper or taxicab operator (if the value of the service exceeds \$2,500) [943.21(3)(b)]
95. Operating a vehicle without owner's consent [943.23(3)]
96. Removing a major part of a vehicle without owner's consent [943.23(5)]
97. Issuing worthless checks for more than \$2,500 [943.24(2)]



**Class I Felonies (continued)**

98. Removing or damaging encumbered real property (if the security is impaired by more than \$1,000) [943.26(2)]
99. Possession of records of certain usurious loans [943.27]
100. Threats to communicate derogatory information [943.31]
101. Receiving stolen property (if the value exceeds \$2,500 but does not exceed \$5,000) [943.34(1)(bf)]
102. Fraudulent insurance or employee benefit claim (if the value of the claim or benefit exceeds \$2,500) [943.395(2)(b)]
103. Certain financial transaction card crimes [943.41(8)(b)]
104. Fraudulent use of financial transaction cards (if the value of the money, goods, services or property exceeds \$2,500 but does not exceed \$5,000 within a period not exceeding six months) [943.41(8)(c)]
105. Theft of telecommunications service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.45(3)(d)]
106. Theft of commercial mobile service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.455(4)(d)]
107. Theft of cable television service (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.46(4)(d)]
108. Theft of satellite cable programming (for direct or indirect commercial advantage or private financial gain as a second or subsequent offense) [943.47(3)(d)]
109. Use of recording device in a movie theatre without written consent (second or subsequent offense) [943.49(2)(b)2]
110. Retail theft (if the value of the merchandise exceeds \$2,500 but does not exceed \$5,000) [943.50(4)(bf)]
111. Computer crime (if the offense is committed to defraud or to obtain property) [943.70(2)(b)2 & (3)(b)2]
112. Unauthorized release of animals (third or subsequent violation) [943.75]
113. Transfer of encumbered property, if the value of the property does not exceed \$500, and the person has previously been convicted of burglary, possession of burglary tools, misappropriation, or a crime against financial institutions [943.84 & 943.91(2)]
114. Bigamy [944.05]
115. Adultery [944.16]
116. Commercial gambling except if violation involves five or less video gambling machines in a tavern [945.03(1m)]
117. Dealing in gambling devices, except if the violation involves a video gambling machine [945.05(1)]
118. Permitting seditious assembly [946.03(2)]
119. Special privileges from public utilities [946.11]
120. Misconduct in public office [946.12]
121. Private interest in public contracts [946.13]
122. Purchasing claims at less than full value [946.14]
123. Public construction contracts at less than full rate [946.15(1)&(3)]
124. Failure to comply with an officer's attempt to take person into custody [946.415]
125. Throwing or expelling blood, semen, vomit, saliva, urine, feces or other bodily substance at or toward an officer, employee or visitor of the prison or facility or another prisoner of the prison or facility by a prisoner under certain circumstances [946.43(2m)]
126. Tampering with a global positioning system tracking device [946.465]
127. Harboring or aiding felons [946.47]
128. Bail jumping by a witness [946.49(2)]
129. Absconding after being adjudicated delinquent for a Class I felony [946.50(5t)]
130. Destruction of documents subject to subpoena [946.60]
131. Communicating with jurors [946.64]
132. Obstructing justice [946.65]
133. Simulating legal process [946.68(1r)(a)]
134. Falsely assuming to act as a public officer or employee [946.69]
135. Premature disclosure of search warrant [946.76]

**Class I Felonies (continued)**

136. Intentionally disrupt a funeral or memorial service, if previously convicted of disrupting a funeral or memorial service [947.011(3)(b)]
137. Harassment (if the person had a prior conviction for harassing the same victim that occurred within the last seven years) [947.013(1t)]
138. Bomb scares [947.015]
139. Threats to release chemical, biological, or radioactive substances [947.017(2)]
140. Physical abuse of a child (recklessly causing bodily harm) [948.03(3)(b)]
141. Exposing a child to harmful material [948.11(2)(a)]
142. Exposing a child to harmful narratives or descriptions [948.11(2)(am)]
143. Possession of child pornography, if the actor is under the age of 18 when the offense occurs [948.12(3)(b)]
144. Intentionally capturing a representation of a minor by a sex offender, without the written consent of the minor's parent, legal custodian, or guardian [948.14]
145. Failure to support (for 120 or more consecutive days) [948.22(2)]
146. Concealing death of child [948.23]
147. Interference with custody of a child [948.31(2)]
148. Leaving a child unattended in a child care vehicle, if bodily harm is a consequence, if the person is responsible for the child's welfare [948.53(2)(b)2.]
149. Giving a dangerous weapon to a person under 18 years of age [948.60(2)(b)]
150. Possession of a gun in a gun free school zone [948.605(2)]
151. Possession of a dangerous weapon on school premises (second or subsequent conviction) [948.61(2)(b)]
152. Receiving stolen property from a child (if the value exceeds \$500 but is less than \$2,500) [948.62(1)(b)]
153. Mistreating an animal (if the mistreatment results in the mutilation, disfigurement or death of the animal or if the animal is a police or fire department animal and the animal is injured) [951.18(1)]
154. Instigating fights between animals (first offense) [951.18(2)]
155. Harassment of a police or fire department animal and causing injury to the animal [951.18(2m)]
156. Harassment of a service dog, if intentionally causes injury to dog or recklessly causes death of dog [951.18(2s)]
157. Manufacture, distribution or delivery of THC, two hundred grams or less, or four or fewer plants containing THC [961.41(1)(h)1.]
158. Manufacture, distribution or delivery of a substance included in schedule V [961.41(1)(j)]
159. Possession with intent to manufacture, distribute or deliver THC, two hundred grams or less, or four or fewer plants containing THC [961.41(1m)(h)1.]
160. Possession with intent to manufacture, distribute or deliver a substance included in schedule V [961.41(1m)(j)]
161. Manufacture, distribution or delivery of or intent to manufacture, distribute or deliver, a counterfeit substance included in schedule V [961.41(2)(d)]
162. Possession of a narcotic included in schedule I or II [961.41(3g)(am)]
163. Possession or attempted possession of cocaine or cocaine base, second or subsequent offense [961.41(3g)(c)]
164. Possession or attempted possession of lysergic acid diethylaminde, phencyclidine, amphetamine, methcathinone, psilocin or psilocylin, second or subsequent offense [961.41(3g)(d)]
165. Possession or attempted possession of methamphetamine or a controlled substance analog of methamphetamine [961.41(3g)(g)]
166. Possession or attempted possession of THC, second or subsequent offense [961.41(3g)(e)]
167. Purchase of more than 7.5 grams of pseudoephedrine contained in a pseudoephedrine product within a 30-day period (does not apply to a physician, dentist, veterinarian, or pharmacist, or purchase authorized by physician, dentist, or veterinarian) [961.41(3j)]
168. Distribution or delivery of imitation controlled substance [961.41(4)(am)3.]
169. Keeping of a drug house [961.42(2)]
170. Knowingly solicit, hire, direct, employ, or use another to purchase a pseudoephedrine product on his or her behalf, with the intent to acquire more than 7.5 grams of a pseudoephedrine product within a 30-day period [961.453(1)(b)1.]
171. Purchase a pseudoephedrine product on behalf of another with the intent to facilitate another person's manufacture of methamphetamine [961.453(2)]
172. False statement to qualify for assignment of a Public Defender [977.06(2)(b)]

## ATTACHMENT 4

### Justice Reinvestment Initiative Oversight Committee Summary of Council of State Governments Work and Recommendations

1. The CSG Justice Center analyzed the state's criminal justice system, examining areas including crime, arrests, prison admissions, length of confinement and supervision time, probation and post-release supervision populations, recidivism rates, and behavioral health and unemployment. The Special Committee on Justice Reinvestment Initiative Oversight (JRIO Committee) met six times to review and discuss the CSG Justice Center's analysis. Some of the finding by the CSG Justice Center staff included:

- Wisconsin's challenges include that: (a) violent crime appears to be increasing; (b) prison populations are increasing and the system is overcrowded; and (c) rising correctional costs and the overall state fiscal crisis.
- Wisconsin prison admissions are being driven by revocations to prison with no new sentence of individuals who are on extended supervision or parole.
- Between 2000 and 2007, the length of extended supervision time of individuals admitted to prison has more than doubled from an average of 23 months (almost two years) to an average of 54 months (four and a half years). During the same period, the overall post-release supervision population has increased by 76%.
- Milwaukee County includes 16% of the state's residents, but accounts for 37% of the state's prison admissions, 76% of whom are black. Milwaukee Districts 15 and 6 represent 12% of the city's population, but account for 31% of the city's prison admissions.
- Key factors driving revocations are offenders' drug use, mental health status, and employment status. Of the revoked population in 2007, 38% were assessed as having "frequent" drug use, 39% as having "some" drug use, and 23% as having no drug use. Related to mental health, of the releases from prison in 2005 who were returned to prison within a two-year period, 46% of those individuals identified as having a serious mental illness were returned, 45% of those identified as having a mental health need, but not serious mental illness were returned, and 39% of those with no mental health need were returned.
- The Department of Corrections is working with the University of Wisconsin School of Medicine and Public Health to conduct an in-depth study of revocation cases with no new sentence. The study will examine: (a) if criminal behavior and/or new offenses are involved in the cases; (b) the extent to which graduated responses are utilized; and (c) any racial disparities for revocations with no new sentence.
- Findings related to the Department's reentry practices include: (a) there is minimal specialized reentry planning focused on mental illnesses and substance abuse;

(b) all inmates complete a general health education module; (c) Corrections provides a two-week supply of medications, as well as a 30-day prescription; and (d) correctional social workers assist inmates with serious mental illnesses in applying for Social Security benefits before release.

- The CSG Justice Center's best practices for effective supervision include: (a) a comprehensive assessment process with validated tools to determine the conditions and strategies of supervision; (b) differential supervision strategies based on assessment results and targeting populations to appropriate, effective programs; (c) employing incentives to encourage positive behavior and responding to violations with swift and certain sanctions and appropriate community-based programs; and (d) reducing returns to prison through organizational supports, including training, outcome tracking and evaluation, and effective use of technology.

- The CSG Justice Center's best practices for effective supervision of offenders with mental illnesses include: (a) specialized, smaller caseloads; (b) significant and sustained training on mental health issues; and (c) specialized agents who collaborate extensively with community-based service providers and employ problem-solving strategies. The Department should prioritize offenders by their impairment/risk, increase behavioral health training for agents, and decrease the size of specialized caseloads.

- While funding for community-based programs has increased significantly, Corrections is limited on staff to oversee and monitor program quality and effectiveness.

- In March, 2009, the JFA Institute conducted a ten-year prison population projection for Corrections and the CSG Justice Center. The projection was completed utilizing computerized simulation software that "mimics the flow of offenders through the state's prison system over a ten-year forecast horizon and produces monthly projections of key inmate groups," utilizing calendar year 2007 data, the most recent year for which data was available. Based on the assumption that no changes would be made to Wisconsin's current sentencing structure, the projection estimated that in 2019, 26,442 male offenders and 1,577 female offenders would be housed in Wisconsin prisons, for a total of 28,019 prisoners.

2. On April 22, 2009, the CSG Justice Center introduced a draft document of its policy options to the JRIO Committee, submitting its final recommendations on May 5, 2009. In the CSG Justice Center's presentation before the JRIO Committee, CSG indicated that the policy options are interdependent and meant to address both revocations and recidivism. The five policy options focus on targeting resources and changing behavior:

### ***1. Focus Supervision Resources***

- Limit the length of extended supervision imposed at sentencing to no more than 75% of the length of confinement time; exclude sex offender and Class A through C offenders from this policy change; apply this policy change only offenders sentenced on or after the enactment date;

- Ensure that community supervision resources are focused on the initial months and year of supervision, when the risk of recidivism is the highest and the potential to increase public safety is the greatest; and
- Balance this limit on extended supervision time with the need to ensure an adequate period of time to collect victim restitution.

## ***2. Reallocate Revocation Expenditures to Community-Based Strategies***

- Reduce resources currently allocated to incarcerate people revoked from extended supervision with no new sentence and expand community-based mental health and employment strategies;
- Establish a swift and certain reconfinement period of six months for people whose extended supervision has been revoked but who have not been convicted of committing a new crime (a set reconfinement period eliminates the need for reconfinement hearings and would reduce jail, prosecutor, public defender and court time currently being consumed with the reconfinement hearing process);
- Allow the Department to hold an offender up to 90 days beyond the six-month reconfinement period for institutional infractions or failure to participate in required programs;
- Expand community-based mental health services for people released from prison to extended supervision who have a serious mental health illness and pose a high risk to public safety; and
- Expand the state's transitional employment and job placement services for people on community supervision.

## ***3. Create Sentencing Options to Reduce Risk Prior to Release***

- Provide the court with a sentencing option that creates an incentive for an offender to complete programs prior to release while adhering to the principles of truth-in-sentencing;
- Provide the court with the ability to impose a period of risk reduction time in addition to an offender's confinement sentence. The risk reduction time would be established at 75% of the amount of confinement sentence ordered; if the offender successfully completes one or more programs required by the Department, corresponding to the assessment conducted, and demonstrates satisfactory institutional behavior, he or she will serve the risk reduction time; if the offender does not successfully complete the required programs, he or she will serve the total amount of confinement time ordered;
- Require Corrections to complete a comprehensive and validated risk/needs assessment for each offender admitted with a risk reduction sentence; after determining which programs the offender is required to complete, Corrections must notify the

sentencing judge of the results of the assessment and required programs; and

- Require Corrections to assess the quality of programs available to offenders with the risk reduction option. Require at least 75% of those programs to be certified as evidence-based programs by 2011.

#### **4. *Set Recidivism Reduction Goal***

- Establish a statewide goal of reducing recidivism rates for people on probation and released from prison by 25% from 2008 levels by 2011; measure the reduction in revocations to prison from probation and post-release supervision by 25%, reconviction rates by people on probation and post-release supervision, and rearrest rates;
- Improve assessment processes, align supervision resources according to risk and needs, connect offenders to the right services to reduce violations, and tailor responses to violations to improve compliance; and
- Expand the capacity of community-based alternatives to revocations, such as substance abuse treatment, day reporting centers, and other sanctions and services.

#### **5. *Coordination and Evaluation***

- Charge a state agency, independent body, or outside organization with periodically assessing the implementation progress, the fiscal and public safety impact of these policies on various components of the state's overall criminal justice system, and the outcomes for people released from prison and under community supervision and the communities where they return.

3. Of the policy options put forth by the CSG Justice Center, costs were identified for: (a) providing community-based mental health care for high risk individuals placed on extended supervision (\$4 million annually); (b) targeted efforts to reduce unemployment among high risk individuals on extended supervision (\$6 million annually); and (c) expanding community-based alternatives to revocation (\$5 million annually).

4. On May 15, 2009, the JRIO Committee voted and approved passage of bill drafts related to the first four CSG recommendations.