ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO SENATE BILL 54

February 22, 2018 - Offered by Representatives SANFELIPPO, BORN, NYGREN, VOS, 
JACQUE, TITTL, SCHRAA, VORPAGEL, ZIMMERMAN, SPIROS, KRUG, SUMMERFIELD, 
STEFFEN and KNODL.

AN ACT to amend 20.866 (2) (ux), 302.113 (8m) (a), 302.114 (8m) (a), 304.06 (3) 
and 973.10 (2) (intro.); and to create 978.09 of the statutes; relating to: 
recommendation to revoke parole, probation, and extended supervision if a 
person is charged with a felony or violent misdemeanor; increasing positions in 
district attorney offices; granting bonding authority; and making an 
appropriation.

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

SECTION 1c. 20.866 (2) (ux) of the statutes, as affected by 2017 Wisconsin Act 
59, is amended to read:

20.866 (2) (ux) Corrections; correctional facilities. From the capital 
improvement fund, a sum sufficient for the department of corrections to acquire, 
construct, develop, enlarge, or improve adult and juvenile correctional facilities. The
state may contract public debt in an amount not to exceed $926,679,900 $1,276,679,900 for this purpose.

SECTION 1p. 302.113 (8m) (a) of the statutes is amended to read:

302.113 (8m) (a) Every person released to extended supervision under this section remains in the legal custody of the department. If the department alleges that any condition or rule of extended supervision has been violated by the person, the department may take physical custody of the person for the investigation of the alleged violation. If the person is charged with a felony or a violent misdemeanor, as defined in s. 941.29 (1g) (b), the department shall recommend that the person's extended supervision be revoked, except that the department may make a different recommendation if the person is participating in a substance abuse treatment program. The department may revise its recommendation to revoke if the charges are subsequently dismissed or if the person is found not guilty of the crime.

SECTION 1q. 302.114 (8m) (a) of the statutes is amended to read:

302.114 (8m) (a) Every person released to extended supervision under this section remains in the legal custody of the department. If the department alleges that any condition or rule of extended supervision has been violated by the person, the department may take physical custody of the person for the investigation of the alleged violation. If the person is charged with a felony or a violent misdemeanor, as defined in s. 941.29 (1g) (b), the department shall recommend that the person's extended supervision be revoked, except that the department may make a different recommendation if the person is participating in a substance abuse treatment program. The department may revise its recommendation to revoke if the charges are subsequently dismissed or if the person is found not guilty of the crime.

SECTION 2. 304.06 (3) of the statutes is amended to read:
304.06 (3) Every paroled prisoner remains in the legal custody of the department unless otherwise provided by the department. If the department alleges that any condition or rule of parole has been violated by the prisoner, the department may take physical custody of the prisoner for the investigation of the alleged violation. If the department is satisfied that any condition or rule of parole has been violated it shall afford the prisoner such administrative hearings as are required by law. If the person is charged with a felony or a violent misdemeanor, as defined in s. 941.29 (1g) (b), the department shall recommend that the person’s parole be revoked, except that the department may make a different recommendation if the person is participating in a substance abuse treatment program. The department may revise its recommendation to revoke if the charges are subsequently dismissed or if the person is found not guilty of the crime. Unless waived by the parolee, the final administrative hearing shall be held before a hearing examiner from the division of hearings and appeals in the department of administration who is licensed to practice law in this state. The hearing examiner shall enter an order revoking or not revoking parole. Upon request by either party, the administrator of the division of hearings and appeals shall review the order. The hearing examiner may order that a deposition be taken by audiovisual means and allow the use of a recorded deposition under s. 967.04 (7) to (10). If the parolee waives the final administrative hearing, the secretary of corrections shall enter an order revoking or not revoking parole. If the examiner, the administrator upon review, or the secretary in the case of a waiver finds that the prisoner has violated the rules or conditions of parole, the examiner, the administrator upon review, or the secretary in the case of a waiver, may order the prisoner returned to prison to continue serving his or her sentence, or to continue on parole. If the prisoner claims or appears to be indigent, the
SECTION 2. The department shall refer the prisoner to the authority for indigency determinations specified under s. 977.07 (1).

SECTION 3. 973.10 (2) (intro.) of the statutes is amended to read:

973.10 (2) (intro.) If a probationer violates the conditions of probation, the department of corrections may initiate a proceeding before the division of hearings and appeals in the department of administration. If the person is charged with a felony or a violent misdemeanor, as defined in s. 941.29 (1g) (b), the department shall recommend that the person's probation be revoked, except that the department may make a different recommendation if the person is participating in a substance abuse treatment program. The department may revise its recommendation to revoke if the charges are subsequently dismissed or if the person is found not guilty of the crime. Unless waived by the probationer, a hearing examiner for the division shall conduct an administrative hearing and enter an order either revoking or not revoking probation. Upon request of either party, the administrator of the division shall review the order. If the probationer waives the final administrative hearing, the secretary of corrections shall enter an order either revoking or not revoking probation. If probation is revoked, the department shall:

SECTION 4m. 978.09 of the statutes is created to read:

978.09 Reports on actions regarding recommendations to revoke release. (1) In a county having a population of 750,000 or more, the district attorney office shall annually report to the appropriate standing committees of the legislature under s. 13.172 (3) the office's actions regarding recommendations to revoke under ss. 302.113 (8m) (a), 302.114 (8m) (a), and 304.06 (3). The report shall include all of the following:

(a) Total number of case referrals, broken down by class.
(b) Total number of cases filed, broken down by class.

c) Total number of charges filed, broken down by class.

d) Total number of dispositions, broken down by class.

(2) This section does not apply 2 years after the district attorney office submits its first annual report.

SECTION 4v. Nonstatutory provisions.

(1) DISTRICT ATTORNEY POSITION INCREASES.

(a) The authorized FTE positions for the department of administration are increased by 53.75 GPR positions on July 1, 2019, to be funded from the appropriation under section 20.475 (1) (d) of the statutes, for the purpose of increasing the number of district attorney positions as follows:

1. In Iowa County, 0.25 positions.

2. In each Green, Marquette, and Pierce counties, 0.5 positions.

3. In Jefferson County, 0.7 positions.

4. In each Burnett and Columbia counties, 0.75 positions.

5. In Adams County, 0.8 positions.

6. In each Ashland, Barron, Bayfield, Chippewa, Dodge, Forest, Jackson, Langlade, Lincoln, Marathon, Oaukee, Shawano, Taylor, Walworth, and Washington counties, 1.0 positions.

7. In each Brown, Douglas, Dunn, Eau Claire, Fond du Lac, Kenosha, La Crosse, Manitowoc, Monroe, Outagamie, Polk, Portage, Racine, Sheboygan, Waukesha, Winnebago, and Wood counties, 2.0 positions.

(b) The authorized FTE positions for the department of administration are increased by 0.4 GPR positions on January 1, 2020, to be funded from the appropriation under section 20.475 (1) (d) of the statutes, for the purpose increasing
the number of district attorney positions in Marinette County to replace a 0.4 GPR
project position that expires on December 31, 2019.

(1m) **STUDY OF REQUIREMENT TO REVOKE RELEASE.** No later than January 15,
2020, the legislative fiscal bureau shall submit a study to the legislature concerning
the costs involved in the revocation requirements in sections 302.113 (8m) (a),
302.114 (8m) (a), 304.06 (3), and 973.10 (2) (intro.) of the statutes.

(2) **2017–19 AUTHORIZED STATE BUILDING PROGRAM ADDITION.** In 2017 Wisconsin
Act 59, **SECTION 9104 (1),** the following project is added to the 2017–19 Authorized
State Building Program and the appropriate totals are increased by the amounts
shown:

(a) In paragraph (c) 1., under projects financed by general fund supported
borrowing:

- Construction of additional prison bed space —

  Statewide

  $350,000,000

**SECTION 5c. Initial applicability.**

(1) The treatment of sections 302.113 (8m) (a), 302.114 (8m) (a), 304.06 (3), and
973.10 (2) (intro.) of the statutes first applies to charges that are filed on the effective
date of this subsection.

**SECTION 5p. Effective dates.** This act takes effect on July 1, 2019, except as
follows:

(1) **SECTION 4v (2) of this act takes effect on the day after publication.**

(END)