

# State of Wisconsin



2023 Assembly Bill 237

Date of enactment: **March 27, 2024**

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## 2023 WISCONSIN ACT 230

AN ACT to amend 302.11 (5), 302.113 (6), 302.113 (9g) (d), 302.113 (9g) (g) 2., 302.114 (5) (c), 302.114 (7), 304.06 (1) (d) 3. and (e), 304.06 (1) (eg), 304.06 (1) (g) and 304.063 (3) of the statutes; relating to: requirements for releasing a prisoner to parole or extended supervision.

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

**SECTION 1.** 302.11 (5) of the statutes is amended to read:

302.11 (5) Before a person is released on parole under this section, the department shall so notify the municipal police department and the county sheriff for the area where the person will be residing. The notification requirement does not apply if a municipal department or county sheriff submits to the department a written statement waiving the right to be notified. If applicable, the department shall also comply with s. 304.063. A municipal police department or county sheriff that receives notice under this subsection regarding a person who was convicted of a serious violent crime, as defined in s. 939.619 (1), may disseminate the information in the notice about that person to members of the general public if, in the opinion of the police chief or sheriff, providing that information is necessary to protect the public.

**SECTION 2.** 302.113 (6) of the statutes is amended to read:

302.113 (6) Before a person is released to extended supervision under this section, the department shall notify the municipal police department and the county sheriff for the area where the person will be residing. The notification requirement does not apply if a municipal department

or county sheriff submits to the department a written statement waiving the right to be notified. If applicable, the department shall also comply with s. 304.063. A municipal police department or county sheriff that receives notice under this subsection regarding a person who was convicted of a serious violent crime, as defined in s. 939.619 (1), may disseminate the information in the notice about that person to members of the general public if, in the opinion of the police chief or sheriff, providing that information is necessary to protect the public.

**SECTION 5.** 302.113 (9g) (d) of the statutes is amended to read:

302.113 (9g) (d) When a court is notified by the department that it is referring to the court an inmate's petition for modification of the inmate's bifurcated sentence, the court shall schedule a hearing to determine whether the public interest would be served by a modification of the inmate's bifurcated sentence in the manner specified in par. (f). The inmate and the district attorney have the right to be present at the hearing, and any victim of the inmate's crime has the right to be present at the hearing and to provide ~~a~~ an oral or written statement concerning the modification of the inmate's bifurcated sentence. The court shall allow any victim making a statement under this paragraph to use visual aids. The court shall order such notice of the hearing date as it considers adequate to be given to the

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

department, the inmate, the attorney representing the inmate, if applicable, and the district attorney. Victim notification shall be provided as specified under par. (g).

**SECTION 6.** 302.113 (9g) (g) 2. of the statutes is amended to read:

302.113 (9g) (g) 2. When a court schedules a hearing under par. (d), the clerk of the circuit court shall send a notice of hearing to the victim of the crime committed by the inmate, if the victim has submitted a card under subd. 3. requesting notification. The notice shall inform the victim that he or she may appear at the hearing scheduled under par. (d) and shall inform the victim of the manner in which he or she may provide ~~a~~ an oral or written statement concerning the modification of the inmate's bifurcated sentence in the manner provided in par. (f). The court shall allow any victim making a statement under this subdivision to use visual aids. The clerk of the circuit court shall make a reasonable attempt to send the notice of hearing to the last-known address of the inmate's victim, postmarked at least 10 days before the date of the hearing.

**SECTION 8.** 302.114 (5) (c) of the statutes is amended to read:

302.114 (5) (c) Before deciding whether to grant or deny the inmate's petition, the court shall allow a victim, as defined in s. 950.02 (4), to make ~~a~~ an oral statement or submit a written statement concerning the release of the inmate to extended supervision. The court may allow any other person to make or submit a statement under this paragraph. Any statement under this paragraph must be relevant to the release of the inmate to extended supervision and may include the use of visual aids.

**SECTION 9.** 302.114 (7) of the statutes is amended to read:

302.114 (7) Before a person is released to extended supervision under this section, the department shall notify the municipal police department and the county sheriff for the area where the person will be residing. The notification requirement does not apply if a municipal department or county sheriff submits to the department a written statement waiving the right to be notified. If applicable, the department shall also comply with s. 304.063. A municipal police department or county sheriff that receives notice under this subsection regarding a person who was convicted of a serious violent crime, as defined in s. 939.619 (1), may disseminate the information in the notice about that person to members of the general public if, in the opinion of the police chief or sheriff, providing that information is necessary to protect the public.

**SECTION 9r.** 304.06 (1) (d) 3. and (e) of the statutes are amended to read:

304.06 (1) (d) 3. The notice shall state the name of the inmate, the date, and term of the sentence and the date when the written statement, if written by an office under

par. (c) 1. or 2., must be received in order to be considered. If the notice is to an office under par. (c) 1. or 2., the notice shall also state the crime of which the inmate was convicted.

(e) The parole commission shall permit any office or person under par. (c) 1. to 3. to provide written statements. The parole commission shall give consideration to any written statements provided by ~~any such an office or person and~~ under par. (c) 1. or 2. that are received on or before the date specified in the notice and to all written statements provided by a person under par. (c) 3. whether received before or at the interview or hearing. This paragraph does not limit the authority of the parole commission to consider other statements or information that it receives in a timely fashion.

**SECTION 10.** 304.06 (1) (eg) of the statutes, as affected by 2023 Wisconsin Act 31, is amended to read:

304.06 (1) (eg) The parole commission shall permit any person under par. (c) 3. to make ~~a~~ an oral or written statement at any interview or hearing on the application for parole of an applicable inmate. The parole commission shall permit a person who is making a statement under this paragraph to use visual aids.

**SECTION 11.** 304.06 (1) (g) of the statutes is amended to read:

304.06 (1) (g) Before a person is released on parole under this subsection, the parole commission shall so notify the municipal police department and the county sheriff for the area where the person will be residing. The notification requirement under this paragraph does not apply if a municipal department or county sheriff submits to the parole commission a written statement waiving the right to be notified. If applicable, the department shall also comply with s. 304.063. A municipal police department or county sheriff that receives notice under this paragraph regarding a person who was convicted of a serious violent crime, as defined in s. 939.619 (1), may disseminate the information in the notice about that person to members of the general public if, in the opinion of the police chief or sheriff, providing that information is necessary to protect the public.

**SECTION 13.** 304.063 (3) of the statutes is amended to read:

304.063 (3) The department shall make a reasonable attempt to send the notice, postmarked at least ~~7~~ 30 days before a prisoner is released on parole or extended supervision, to the last-known address of the persons under sub. (2).

**SECTION 14. Initial applicability.**

(1) This act first applies to a person who is eligible for parole or release to extended supervision on the effective date of this subsection.