



2015 ASSEMBLY BILL 999

March 15, 2016 - Introduced by Representatives GOYKE, BARNES, BROSTOFF, ZAMARRIPA, ZEPNICK and CONSIDINE. Referred to Committee on Corrections.

1 **AN ACT to repeal** 973.195 (1r); **to renumber and amend** 302.113 (2); **to amend**
2 911.01 (4) (c), 950.04 (1v) (gm) and 973.01 (4); and **to create** 302.113 (2) (b) and
3 302.113 (3) (e) of the statutes; **relating to:** allowing certain prisoners to earn
4 time toward early release from confinement in prison.

Analysis by the Legislative Reference Bureau

This bill allows certain prison inmates to earn time off of the confinement portion of their sentences.

Under current law, a person who is imprisoned for a felony he or she committed on or after December 31, 1999, is sentenced to a bifurcated sentence, with the first portion of the sentence served in confinement in prison and the second portion served under extended supervision in the community.

A person who is serving a bifurcated sentence, with few exceptions, must serve the entire confinement portion of his or her sentence before being released to extended supervision. A person's confinement portion may be extended if he or she violates a prison regulation. If a person's confinement portion is extended for such a violation, current law requires his or her extended supervision portion to be reduced so that the total length of the person's sentence remains unchanged.

Current law allows a person who is sentenced to a bifurcated sentence for a Class C to Class I felony to petition the sentencing court to adjust his or her sentence and release the person from prison to extended supervision if he or she has served 85 percent for a Class C to Class E felony, or 75 percent for a Class F to Class I felony, of the confinement portion of the sentence. If a person's confinement portion is

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reduced by the sentencing court, current law requires his or her extended supervision portion to be extended so that the total length of the person's sentence remains unchanged.

Under this bill, a person who commits a misdemeanor and is sentenced to imprisonment or who commits a Class C to Class I felony may accumulate "earned time" in the amount of one day for every five days he or she is incarcerated without violating a prison rule or regulation. The bill requires the Department of Corrections to release the person to extended supervision when he or she serves his or her entire incarceration period, minus earned time accumulated.

Under the bill, if a person's incarceration period is reduced by earned time, his or her period of extended supervision is increased so that the length of the sentence does not change. The bill eliminates the right of a person to petition the sentencing court to adjust his or her sentence.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 302.113 (2) of the statutes is renumbered 302.113 (2) (a) and
2 amended to read:

3 302.113 (2) (a) Except as provided in par. (b) and subs. (3) and (9), an inmate
4 subject to this section is entitled to release to extended supervision after he or she
5 has served the term of confinement in prison portion of the sentence imposed under
6 s. 973.01, as modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b)
7 1., 302.05 (3) (c) 2. a., ~~973.195 (1r)~~, or 973.198, if applicable.

8 **SECTION 2.** 302.113 (2) (b) of the statutes is created to read:

9 302.113 (2) (b) An inmate sentenced under s. 973.01 for a misdemeanor or for
10 a Class C to I felony may accumulate one day of earned time for every 5 days served
11 that he or she does not violate any regulation of the prison or does not refuse or
12 neglect to perform required or assigned duties. An inmate convicted of a
13 misdemeanor or a Class C to I felony shall be released to extended supervision when
14 he or she has served the term of confinement in prison portion of his or her bifurcated

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1 sentence, as modified by the department under sub. (9g) or by the sentencing court
2 under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a., if applicable, less earned time he
3 or she has accumulated. This paragraph does not apply to a person who is the subject
4 of a bulletin issued under s. 301.46 (2m), or who is convicted of a violent offence, as
5 defined in s. 301.048 (2) (bm) 1.

6 **SECTION 3.** 302.113 (3) (e) of the statutes is created to read:

7 302.113 (3) (e) If an inmate is released to extended supervision under sub. (2)
8 (b) after he or she has served less than his or her entire confinement in prison portion
9 of the sentence imposed under s. 973.01, the term of extended supervision is
10 increased so that the total length of the bifurcated sentence does not change.

11 **SECTION 4.** 911.01 (4) (c) of the statutes is amended to read:

12 911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or
13 rendition; sentencing, granting or revoking probation, modification of a bifurcated
14 sentence under s. 302.113 (9g), release to extended supervision under s. 302.113 (2)
15 (b), or adjustment of a bifurcated sentence under s. ~~973.195 (1r)~~ or 973.198; issuance
16 of subpoenas or warrants under s. 968.375, arrest warrants, criminal summonses,
17 and search warrants; hearings under s. 980.09 (2); proceedings under s. 971.14 (1r)
18 (c); proceedings with respect to pretrial release under ch. 969 except where habeas
19 corpus is utilized with respect to release on bail or as otherwise provided in ch. 969;
20 or proceedings under s. 165.76 (6) to compel provision of a biological specimen for
21 deoxyribonucleic acid analysis.

22 **SECTION 5.** 950.04 (1v) (gm) of the statutes is amended to read:

23 950.04 (1v) (gm) To have reasonable attempts made to notify the victim of
24 petitions for sentence adjustment as provided under s. 973.09 (3m), ~~973.195 (1r) (d)~~,
25 or 973.198.

