

1987 Senate Bill 4

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1987 Wisconsin Act 244

AN ACT to amend 57.06 (1) and 950.06 (2); and to create 57.06 (1) (a), 57.06 (1) (c) to (f), 950.045 and 950.05 (2) of the statutes, relating to granting parole and rights of crime victims.

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

SECTION 1. 57.06 (1) of the statutes is amended to read:

57.06 (1) (b) Except as provided in sub. (1m), the department may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year or more in the Milwaukee county house of correction or a county reforestation camp organized under s. 56.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. The department may parole an inmate serving a life term when he or she has served 20 years, as modified by the formula under s. 53.11 (1) and subject to extension using the formulas under s. 53.11 (2). The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The department shall not provide any convicted offender or other person sentenced to its custody any parole eligibility or evaluation until the person has been confined at least 60 days following sentencing. ~~The district attorney and judge who tried the inmate shall be notified in writing at least 10 days before the first application for parole is acted upon and if they so request be given like notice of each subsequent application.~~

(g) Before a person is released on parole under this subsection, 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 under this paragraph does not apply if a municipal department or county sheriff submits to the department a written statement waiving the right to be notified.

SECTION 2. 57.06 (1) (a) of the statutes is created to read:

57.06 (1) (a) In this subsection:

1. "Member of the family" means spouse, child, sibling, parent or legal guardian.
2. "Victim" means a person against whom a crime has been committed.

SECTION 3. 57.06 (1) (c) to (f) of the statutes are created to read:

57.06 (1) (c) If an inmate applies for parole under this subsection, the department shall notify the following, if they can be found, in accordance with par. (d):

1. The office of the judge that participated in the trial or that accepted the inmate's plea of guilty or no contest, whichever is applicable.

2. The office of the district attorney that participated in the trial of the inmate or that prepared for proceedings under s. 971.08 regarding the inmate's plea of guilty or no contest, whichever is applicable.

3. The victim of the crime committed by the inmate or, if the victim died as a result of the crime, an adult member of the victim's family or, if the victim is younger than 18 years old, the victim's parent or legal guardian, upon submission of a card under par. (f) requesting notification.

(d) 1. The notice under par. (c) shall inform the offices and persons under par. (c) 1 to 3 of the manner in which they may provide written statements under this subsection. The department shall provide notice under this paragraph for an inmate's first application for parole and, upon request, for subsequent applications for parole.

2. The notice shall be by 1st class mail to an office's or a person's last-known address sent at least 3 weeks before the interview or hearing upon the parole application.

3. The notice shall state the name of the inmate, the crime of which he or she was convicted, the date and term of the sentence and the date when the written statement must be received in order to be considered.

4. If the notice is for a first application for parole, the notice shall inform the offices and persons under par. (c) 1 to 3 that notification of subsequent applications for parole will be provided only upon request.

(e) The department shall permit any office or person under par. (c) 1 to 3 to provide written statements. The department shall give consideration to any written statements provided by any such office or person and received on or before the date specified in the notice. This paragraph does not limit the authority of the department to consider other statements or information which the department receives in a timely fashion.

(f) The department shall design and prepare cards for persons specified in par. (c) 3 to send to the department. The cards shall have space for these persons to provide their names and addresses, the name of the applicable prisoner and any other information the department determines is necessary. The department shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par. (c) 3. These persons may send completed cards to the department. All departmental records or portions of records which relate to mailing addresses of these per-

sons are not subject to inspection or copying under s. 19.35 (1). Before any written statement of a person specified in par. (c) 3 is made a part of the documentary record considered in connection with a parole hearing under this section, the department shall obliterate from the statement all references to the mailing addresses of the person.

SECTION 4. 950.045 of the statutes is created to read:

950.045 Victims; application for parole or pardon. Victims of crimes have the right to provide written statements concerning parole applications under s. 57.06 (1) (e) and to provide written statements concerning pardon applications under s. 57.10 (2).

SECTION 5. 950.05 (2) of the statutes is created to read:

950.05 (2) Counties are encouraged to assist victims in enforcing their rights under s. 950.045.

SECTION 6. 950.06 (2) of the statutes is amended to read:

950.06 (2) The costs of enforcing rights under s. 950.04 and providing services under s. 950.05 shall be paid for by the county, but the county is eligible to receive reimbursement from the state for the costs incurred in providing services under s. 950.05 (~~4~~). For costs incurred on or after January 1, 1982, the county is eligible to receive funding from the state for not more than 90% of the costs incurred in providing services under s. 950.05 (~~4~~). The department shall determine the level of services for which a county may be reimbursed. The county board shall file a claim for reimbursement with the department. The department shall reimburse the counties from the appropriations under s. 20.455 (5) (c) and (g) on a semiannual basis for services provided. If a county has a program plan approved after July 2, 1983, the department may reimburse the county only for services provided on or after January 1, 1984.

SECTION 7. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
56.065 (1)	57.06 (1)	57.06 (1)(b)
57.06 (1m)	sub. (1)	sub. (1)(b)

SECTION 8a. **Initial applicability.** This act applies to parole considerations of persons convicted on or after July 1, 1988.

SECTION 9a. **Effective date.** This act takes effect on July 1, 1988.