



## 1997 SENATE BILL 233

June 10, 1997 - Introduced by Senators WELCH, ADELMAN, ROESSLER, HUELSMAN, A LASEE, DRZEWIECKI, ZIEN and GROBSCHMIDT, cosponsored by Representatives SYKORA, KRUSICK, DOBYNS, PORTER, ALBERS, MUSSER, LAZICH, GREEN, M. LEHMAN, AINSWORTH, KREIBICH, F. LASEE, SKINDRUD, WARD, LADWIG, SCHAFFER, OLSEN, GOETSCH, BRANDEMUEHL, GUNDERSON, NASS, FREESE, WALKER, HUTCHISON, SERATTI, OWENS, VRAKAS, ZIEGELBAUER, OTT, ZUKOWSKI and RUTKOWSKI. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1     **AN ACT to renumber and amend** 301.048 (6) and 303.065 (1); **to amend** 19.85  
2           (1) (d), 20.410 (1) (b), 20.410 (1) (bn), 20.410 (1) (d), 20.410 (1) (g), 20.410 (1) (gb),  
3           20.410 (1) (gc), 20.410 (1) (ge), 20.410 (1) (gf), 46.21 (1) (d), 46.23 (2) (a), 46.48  
4           (8) (d) 1., 48.78 (2) (d) 5., 51.15 (1) (b) 2., 51.20 (1) (ar) (intro.), 51.20 (13) (g) 2m.,  
5           51.30 (4) (b) 10. (intro.), 51.30 (4) (b) 10. a., 51.30 (4) (b) 10. b., 51.30 (4) (b) 10.  
6           d., 51.37 (8) (a), 51.37 (8) (b), 51.37 (11), 71.83 (2) (b), 106.215 (8g) (b), 111.32 (3),  
7           132.13 (1) (a), 139.44 (1m), 139.44 (2), 139.44 (8) (c), 139.95 (2), 139.95 (3),  
8           165.76 (1) (a), 165.76 (1) (e), 165.76 (2) (b) 1., 165.76 (2) (b) 2., 165.76 (2) (b) 3m.,  
9           165.76 (2) (b) 5., 165.76 (2) (b) 6., 165.84 (5), 227.03 (4), 230.36 (1), 230.36 (3)  
10          (c) (intro.), 230.36 (3) (c) 2., 230.36 (3) (c) 3., 291.97 (2) (b) (intro.), 291.97 (2) (c),  
11          301.03 (2r), 301.03 (3), 301.03 (3g), 301.048 (1) (a), 301.048 (2) (d), 301.048 (4)  
12          (a), 301.048 (4) (am), 301.048 (4m) (b) (intro.), 301.048 (4m) (b) 1., 301.048 (4m)  
13          (b) 2., 301.049 (2) (a) 2., 301.049 (3) (e), 301.08 (1) (c) 1. a., 301.08 (1) (c) 1. b.,  
14          301.08 (1) (c) 2., 301.132 (2), 301.132 (3), 301.21 (1) (h), 301.32 (3) (a), 301.32 (3)

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1 (b), 301.38 (1) (am), 301.45 (1) (b), 301.45 (1) (bm), 301.45 (1) (dh), 301.45 (2) (a)  
2 4. b., 301.45 (2) (e) 1., 301.45 (2) (e) 2., 301.45 (3) (a) 1m., 301.45 (3) (a) 2., 301.45  
3 (3) (b) 2., 301.45 (3) (b) 4., 301.45 (5) (a) 1m., 301.46 (2) (b) 4. b., 302.045 (1),  
4 302.045 (3), 302.11 (1), 302.11 (1g) (am), 302.11 (1i), 302.11 (1p), 302.11 (6),  
5 302.11 (9), 302.14, 302.17 (2), 302.25 (4) (c), 302.33 (2) (a) (intro.), 302.33 (2) (b),  
6 302.335 (title), 302.335 (2) (intro.), 302.335 (2) (a) (intro.), 302.335 (2) (a) 1.,  
7 302.335 (2) (a) 2., 302.335 (2) (a) 3., 302.335 (2) (b), 302.335 (3), 302.335 (4),  
8 303.21 (1) (a), 303.215, 304.02 (3) (c), 304.02 (4), 304.02 (5), 304.06 (1) (b), 304.06  
9 (1y), 304.062 (title), 304.062 (1), 304.062 (2), 304.063 (title), 304.063 (2) (intro.),  
10 304.063 (3), 304.071 (2), 304.072 (title), 304.072 (1), 304.072 (2), 304.072 (3),  
11 304.072 (4), 304.073 (2), 304.074 (title), 304.074 (2), 304.074 (3) (intro.), 304.074  
12 (3) (d), 304.074 (4), 304.075, 304.13 (1) (intro.), 304.13 (2), 304.13 (3), 304.13 (7),  
13 304.13 (8) (b), 304.135, 304.137, 304.14, 341.605 (3), 342.06 (2), 342.065 (4) (b),  
14 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 343.06 (1) (i), 343.30  
15 (2d), 346.17 (3) (a), 346.17 (3) (b), 346.17 (3) (c), 346.17 (3) (d), 346.65 (5), 346.74  
16 (5) (b), 346.74 (5) (c), 346.74 (5) (d), 563.14 (2), 563.27 (1), 563.51 (29) (b), 801.50  
17 (5), 938.183 (2) (b), 938.78 (2) (d) 5., 938.991 (1), 938.991 (3) (c), 938.991 (5) (a),  
18 938.991 (5) (am), 938.991 (6), 938.991 (7) (title), 938.991 (7) (a), 938.991 (7) (b),  
19 938.991 (7) (c), 938.991 (14), 938.993 (2), 939.50 (3) (b), 939.50 (3) (bc), 939.50  
20 (3) (c), 939.50 (3) (d), 939.50 (3) (e), 939.62 (2m) (b), 940.20 (2m) (title), 940.20  
21 (2m) (a) 2., 940.20 (2m) (b), 942.06 (2m) (a), 942.06 (2q) (a) (intro.), 946.42 (1)  
22 (a), 946.46, 950.045, 961.41 (1) (a), 961.41 (1) (b), 961.41 (1) (cm) 1., 961.41 (1)  
23 (cm) 2., 961.41 (1) (cm) 3., 961.41 (1) (cm) 4., 961.41 (1) (cm) 5., 961.41 (1) (d) 1.,  
24 961.41 (1) (d) 2., 961.41 (1) (d) 3., 961.41 (1) (d) 4., 961.41 (1) (d) 5., 961.41 (1)  
25 (d) 6., 961.41 (1) (e) 1., 961.41 (1) (e) 2., 961.41 (1) (e) 3., 961.41 (1) (e) 4., 961.41

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1 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (1) (f) 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41  
2 (1) (g) 1., 961.41 (1) (g) 2., 961.41 (1) (g) 3., 961.41 (1) (h) 1., 961.41 (1) (h) 2.,  
3 961.41 (1) (h) 3., 961.41 (1) (i), 961.41 (1) (j), 961.41 (1m) (a), 961.41 (1m) (b),  
4 961.41 (1m) (cm) 1., 961.41 (1m) (cm) 2., 961.41 (1m) (cm) 3., 961.41 (1m) (cm)  
5 4., 961.41 (1m) (cm) 5., 961.41 (1m) (d) 1., 961.41 (1m) (d) 2., 961.41 (1m) (d) 3.,  
6 961.41 (1m) (d) 4., 961.41 (1m) (d) 5., 961.41 (1m) (d) 6., 961.41 (1m) (e) 1., 961.41  
7 (1m) (e) 2., 961.41 (1m) (e) 3., 961.41 (1m) (e) 4., 961.41 (1m) (e) 5., 961.41 (1m)  
8 (e) 6., 961.41 (1m) (f) 1., 961.41 (1m) (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g) 1.,  
9 961.41 (1m) (g) 2., 961.41 (1m) (g) 3., 961.41 (1m) (h) 1., 961.41 (1m) (h) 2.,  
10 961.41 (1m) (h) 3., 961.41 (1m) (i), 961.41 (1m) (j), 961.41 (1n) (c), 961.41 (2) (a),  
11 961.41 (2) (b), 961.41 (2) (c), 961.41 (2) (d), 961.41 (3g) (a) 1., 961.41 (3g) (a) 2.,  
12 961.41 (4) (am) 3., 961.42 (2), 961.43 (2), 961.455 (1), 961.49 (2) (a), 961.49 (2)  
13 (b), 969.01 (4), 971.11 (1), 972.13 (6), 972.15 (5) (intro.), 973.013 (1) (b), 973.013  
14 (2), 973.0135 (2) (intro.), 973.014 (title), 973.014 (1) (intro.), 973.014 (1) (c),  
15 973.014 (2), 973.032 (5), 973.10 (1), 973.15 (2) (b), 973.15 (6), 973.155 (1) (b),  
16 973.155 (2), 973.155 (5), 973.20 (1r), 973.20 (10), 975.10 (1), 976.03 (3), 976.03  
17 (13), 976.03 (22), 976.03 (23) (b), 976.03 (27) (a), 976.05 (3) (a), 976.05 (4) (b),  
18 977.05 (6) (h) (intro.), 977.05 (6) (h) 1., 977.05 (6) (h) 2., 978.07 (1) (c) 1., 980.015  
19 (2) (a), 980.02 (1) (b) 2., 980.02 (2) (ag) and 980.02 (4) (am); and **to create**  
20 301.048 (2) (cm), 301.048 (6) (b), 301.35 (2) (bm), 302.11 (1z), 302.113, 302.114,  
21 304.02 (6), 973.01 and 973.014 (1g) of the statutes; **relating to:** sentences for

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- 1 felony offenses, parole, community supervision, granting rule-making  
2 authority and providing penalties.

***Analysis by the Legislative Reference Bureau***

This bill makes the following changes relating to the length and structure of sentences in felony cases:

***Felony penalties***

Current law provides penalties for felonies, which are crimes punishable by imprisonment of more than one year. A felony created in the criminal code is put in one of 6 classes (Class A, B, BC, C, D or E) and each class has a specific maximum term of imprisonment and a maximum fine. The maximum terms of imprisonment under current law for the classes of felonies (other than Class A felonies, which are punishable by life imprisonment) are as follows:

Class B	40 years
Class BC	20 years
Class C	10 years
Class D	5 years
Class E	2 years

This bill increases the length of sentences for the classes of felonies created in the criminal code, other than those punishable by life imprisonment, that are committed on or after July 1, 1998. The maximum terms of imprisonment for the classes of felonies under the bill are as follows:

Class B	60 years
Class BC	30 years
Class C	15 years
Class D	10 years
Class E	5 years

The bill also increases penalties for felony violations relating to controlled substances (dangerous drugs), motor vehicles, taxation and hazardous waste management. The bill increases the maximum term of imprisonment for these felonies by 50% or one year, whichever is greater. Thus, under the bill, a maximum penalty under current law of one year of imprisonment is increased to 2 years of imprisonment, while a maximum penalty under current law of 5 years of imprisonment is increased to 7 years and 6 months.

***Sentences for felony offenses***

Currently, person serving a sentence of imprisonment to a state prison usually has 3 possible ways of being released on parole: discretionary parole granted by the parole commission (for which a person is usually eligible after serving 25% of the

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sentence or 6 months, whichever is greater); mandatory release on parole (usually granted automatically after the person serves two-thirds of the sentence); or special action parole release by the secretary of corrections (a program designed to relieve prison crowding).

However, current law also provides different parole eligibility provisions for certain serious felony offenders. If a serious felony offender has one or more prior convictions for a serious felony, a judge may set a discretionary parole eligibility date for the offender that is later than 25% of the sentence or 6 months but not later than the mandatory release date of two-thirds of the sentence. In addition, certain serious felony offenders need not be automatically released when they reach their mandatory release dates. Instead, the parole commission may deny mandatory release to such an offender in order to protect the public or because the offender refused to participate in counseling or treatment. The serious felony offenders covered by these parole provisions include persons convicted of serious violations such as homicide, battery, sexual assault, mayhem, kidnapping, taking hostages, arson, armed burglary, armed robbery, carjacking, assault by a prisoner, crimes against children and controlled substances.

Under this bill, if a court chooses to sentence a felony offender to a term of imprisonment in state prison for a felony committed on or after July 1, 1998, the court must do so by providing a bifurcated sentence that includes a term of confinement in prison followed by a term of community supervision. The offender is not eligible for parole. A bifurcated sentence imposed under the bill must be structured as follows:

1. The total length of the bifurcated sentence may not exceed the maximum term of imprisonment allowable for the felony.
2. The court must set the term of confinement in prison portion of the sentence to be at least one year but not more than 40 years for a Class B felony, 20 years for a Class BC felony, 10 years for a Class C felony, 5 years for a Class D felony or 2 years for a Class E felony. If the person is being sentenced for a felony that is not in one of these classes, the term of confinement in prison portion of the sentence must be at least one year but not more than 75% of the total length of the bifurcated sentence.
3. The term of community supervision must equal at least 25% of the length of the term of confinement in prison.

Thus, for example, if a person is convicted of a Class B felony and a judge sentenced the person to the maximum allowable 40-year term of confinement in prison, the term of community supervision would have to be at least 10 years but could not be more than 20 years.

After the person completes the term of confinement in prison portion of the sentence, he or she serves the term of community supervision in which he or she is subject to conditions set by both the court and the department of corrections (DOC) and is subject to supervision by DOC. If a person violates a condition of community supervision, community supervision may be revoked and the person may be returned to serve a period of time in prison.

Under current law, a person serving a life sentence usually must serve 20 years minus time calculated under the mandatory release formula before he or she is

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eligible for release on parole. If the person does not receive extensions due to violations of prison rules, he or she reaches parole eligibility after serving 13 years, 4 months. However, a judge may set a parole eligibility date for a person serving a life sentence that is later than the usual parole eligibility date or may provide that the person is not eligible for parole. Also, if a person has 2 convictions for any of certain serious felonies and is then convicted a 3rd time for another serious felony, he or she must be sentenced to life without parole (the so-called "3 strikes, you're out" law). No person serving a life sentence is entitled to mandatory release.

This bill provides that a person sentenced to life imprisonment for a crime committed on or after July 1, 1998, is not eligible for parole. Instead, the bill requires a judge who is sentencing a person to life imprisonment to do one of the following: 1) provide that the person is eligible for community supervision after serving 20 years; 2) set a date on which the person becomes eligible for community supervision, as long as that date requires the person to serve at least 20 years; or 3) provide that the person is not eligible for community supervision. If the court provides that the person is eligible for community supervision, the person may petition the sentencing court for release to community supervision on or after the community supervision eligibility date. A person sentenced to life who is released to community supervision is on community supervision for the remainder of his or her life and, like a person on community supervision under a bifurcated sentence (see above), may have his or her community supervision revoked and be returned to prison if he or she violates a condition of community supervision. The bill does not affect persons sentenced to life imprisonment without the possibility of parole under the "3 strikes, you're out" law.

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

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

1           **SECTION 1.** 19.85 (1) (d) of the statutes is amended to read:

2           19.85 (1) (d) Except as provided by rule promulgated under s. 304.06 (1) (em),  
3           considering specific applications of probation, community supervision or parole, or  
4           considering strategy for crime detection or prevention.

5           **SECTION 2.** 20.410 (1) (b) of the statutes is amended to read:

6           20.410 (1) (b) *Field supervision.* The amounts in the schedule to provide  
7           services related to probation, community supervision and parole. No payments may

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1 be made under this paragraph for payments in accordance with other states party  
2 to the interstate corrections compact under s. 302.25.

3 **SECTION 3.** 20.410 (1) (bn) of the statutes is amended to read:

4 20.410 (1) (bn) (title) *Reimbursing counties for probation, community*  
5 *supervision and parole holds.* The amounts in the schedule for payments to counties  
6 under s. 302.33 (2) (a) for costs relating to maintaining persons in custody pending  
7 the disposition of their parole, community supervision or probation revocation  
8 proceedings.

9 **SECTION 4.** 20.410 (1) (d) of the statutes is amended to read:

10 20.410 (1) (d) *Purchased services for offenders.* The amounts in the schedule  
11 for the purchase of goods, care and services, authorized under s. 301.08 (1) (b) 1., for  
12 probationers, parolees, persons on community supervision and other offenders,  
13 except as provided in par. (dd). In addition, funds from this appropriation shall be  
14 used to reimburse programs under s. 38.04 (12).

15 **SECTION 5.** 20.410 (1) (g) of the statutes is amended to read:

16 20.410 (1) (g) (title) *Loan fund for persons on probation, community supervision*  
17 *or parole.* The amounts in the schedule for the purposes specified in ss. 301.32 (3)  
18 and 304.075. All moneys received belonging to absconding probationers and,  
19 parolees, and persons on community supervision under ss. 301.32 (3) and 304.075  
20 shall be credited to this appropriation.

21 **SECTION 6.** 20.410 (1) (gb) of the statutes is amended to read:

22 20.410 (1) (gb) *Drug testing.* All moneys received from probation, community  
23 supervision and parole clients who are required to pay for their drug testing, as  
24 prescribed by rule in accordance with s. 301.03 (3), for expenditures related to the

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1 drug testing program for probationers ~~and~~, parolees and persons on community  
2 supervision under s. 301.03 (3).

3 **SECTION 7.** 20.410 (1) (gc) of the statutes is amended to read:

4 20.410 (1) (gc) *Sex offender honesty testing.* All moneys received from  
5 probation, community supervision and parole clients who are required to pay for  
6 polygraph examinations, as prescribed by rule in accordance with s. 301.132 (3), for  
7 expenditures related to the lie detector test program for probationers, community  
8 supervision and parolees under s. 301.132.

9 **SECTION 8.** 20.410 (1) (ge) of the statutes is amended to read:

10 20.410 (1) (ge) *Administrative and minimum supervision.* The amounts in the  
11 schedule for the supervision of probationers ~~and~~, parolees and persons on community  
12 supervision under minimum or administrative supervision and for the department's  
13 costs associated with contracts under s. 301.08 (1) (c) 2. All moneys received from  
14 vendors under contracts under s. 301.08 (1) (c) 2. and from fees charged under s.  
15 304.073 (2) shall be credited to this appropriation account.

16 **SECTION 9.** 20.410 (1) (gf) of the statutes is amended to read:

17 20.410 (1) (gf) *Probation, community supervision and parole.* The amounts in  
18 the schedule for probation, community supervision and parole. All moneys received  
19 under s. 304.074 (2) shall be credited to this appropriation account.

20 **SECTION 10.** 46.21 (1) (d) of the statutes is amended to read:

21 46.21 (1) (d) "Human services" means the total range of services to people,  
22 including mental illness treatment, developmental disabilities services, physical  
23 disabilities services, relief funded by a relief block grant under ch. 49, income  
24 maintenance, youth probation, community supervision and parole services, alcohol  
25 and drug abuse services, services to children, youth and families, family counseling,



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1 exceptional educational services for children from birth to the age of 3 and manpower  
2 services.

3 **SECTION 11.** 46.23 (2) (a) of the statutes is amended to read:

4 46.23 (2) (a) "Human services" means the total range of services to people  
5 including, but not limited to, health care, mental illness treatment, developmental  
6 disabilities services, relief funded by a block grant under ch. 49, income  
7 maintenance, probation, community supervision and parole services, alcohol and  
8 drug abuse services, services to children, youth and aging, family counseling,  
9 exceptional educational services and manpower services.

10 **SECTION 12.** 46.48 (8) (d) 1. of the statutes is amended to read:

11 46.48 (8) (d) 1. The use of liaisons to meet with prospective program  
12 participants to provide information about the program and to assist program  
13 participants, prior to their release on community supervision or parole, in planning  
14 for and obtaining the housing, employment, education and treatment that they will  
15 need upon release.

16 **SECTION 13.** 48.78 (2) (d) 5. of the statutes is amended to read:

17 48.78 (2) (d) 5. On parole under s. 302.11 or ch. 304 or on community  
18 supervision under s. 302.113 or 302.114.

19 **SECTION 14.** 51.15 (1) (b) 2. of the statutes is amended to read:

20 51.15 (1) (b) 2. A specific recent overt act or attempt or threat to act or omission  
21 by the individual which is reliably reported to the officer or person by any other  
22 person, including any probation, community supervision and parole agent  
23 authorized by the department of corrections to exercise control and supervision over  
24 a probationer ~~or~~, parolee or person on community supervision.

25 **SECTION 15.** 51.20 (1) (ar) (intro.) of the statutes is amended to read:

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1           51.20 (1) (ar) (intro.) If the individual is an inmate of a state prison, the petition  
2 may allege that the inmate is mentally ill, is a proper subject for treatment and is  
3 in need of treatment. The petition shall allege that appropriate less restrictive forms  
4 of treatment have been attempted with the individual and have been unsuccessful  
5 and it shall include a description of the less restrictive forms of treatment that were  
6 attempted. The petition shall also allege that the individual has been fully informed  
7 about his or her treatment needs, the mental health services available to him or her  
8 and his or her rights under this chapter and that the individual has had an  
9 opportunity to discuss his or her needs, the services available to him or her and his  
10 or her rights with a licensed physician or a licensed psychologist. The petition shall  
11 include the inmate's sentence and his or her expected date of release as determined  
12 under s. 302.11 or 302.113, whichever is applicable. The petition shall have attached  
13 to it a signed statement by a licensed physician or a licensed psychologist of a state  
14 prison and a signed statement by a licensed physician or a licensed psychologist of  
15 a state treatment facility attesting either of the following:

16           **SECTION 16.** 51.20 (13) (g) 2m. of the statutes is amended to read:

17           51.20 (13) (g) 2m. In addition to the provisions under subds. 1., 2. and 2g., no  
18 commitment ordered under par. (a) 4. or 4m. may continue beyond the inmate's date  
19 of release on parole or community supervision, as determined under s. 302.11 or  
20 302.113, whichever is applicable.

21           **SECTION 17.** 51.30 (4) (b) 10. (intro.) of the statutes is amended to read:

22           51.30 (4) (b) 10. (intro.) To a correctional facility or to a probation, community  
23 supervision and parole agent who is responsible for the supervision of an individual  
24 who is receiving inpatient or outpatient evaluation or treatment under this chapter  
25 in a program that is operated by, or is under contract with, the department or a

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1 county department under s. 51.42 or 51.437, or in a treatment facility, as a condition  
2 of the probation, community supervision and parole supervision plan, or whenever  
3 such an individual is transferred from a state or local correctional facility to such a  
4 treatment program and is then transferred back to the correctional facility. Every  
5 probationer ~~or~~ parolee or person on community supervision who receives evaluation  
6 or treatment under this chapter shall be notified of the provisions of this subdivision  
7 by the individual's probation, community supervision and parole agent. Release of  
8 records under this subdivision is limited to:

9 **SECTION 18.** 51.30 (4) (b) 10. a. of the statutes is amended to read:

10 51.30 (4) (b) 10. a. The report of an evaluation which is provided pursuant to  
11 the written probation, community supervision and parole supervision plan.

12 **SECTION 19.** 51.30 (4) (b) 10. b. of the statutes is amended to read:

13 51.30 (4) (b) 10. b. The discharge summary, including a record or summary of  
14 all somatic treatments, at the termination of any treatment which is provided as part  
15 of the probation, community supervision and parole supervision plan.

16 **SECTION 20.** 51.30 (4) (b) 10. d. of the statutes is amended to read:

17 51.30 (4) (b) 10. d. Any information necessary to establish, or to implement  
18 changes in, the individual's treatment plan or the level and kind of supervision on  
19 probation, community supervision or parole, as determined by the director of the  
20 facility or the treatment director. In cases involving a person transferred back to a  
21 correctional facility, disclosure shall be made to clinical staff only. In cases involving  
22 a person on probation, community supervision or parole, disclosure shall be made to  
23 a probation, community supervision and parole agent only. The department shall  
24 promulgate rules governing the release of records under this subdivision.

25 **SECTION 21.** 51.37 (8) (a) of the statutes is amended to read:

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1           51.37 (8) (a) Rights to reexamination under s. 51.20 (16) apply to a prisoner or  
2 inmate who is found to be mentally ill or drug dependent except that the petition  
3 shall be made to the court that made the finding or, if the prisoner or inmate is  
4 detained by transfer, to the circuit court of the county in which he or she is detained.  
5 If upon rehearing it is found that the standards for recommitment under s. 51.20 (13)  
6 (g) no longer apply to the prisoner or inmate or that he or she is not in need of  
7 psychiatric or psychological treatment, the prisoner or inmate shall be returned to  
8 the prison or county jail or house of correction unless it is past his or her release date  
9 as determined under s. 302.11 or 302.113, whichever is applicable, in which case he  
10 or she shall be discharged.

11           **SECTION 22.** 51.37 (8) (b) of the statutes is amended to read:

12           51.37 (8) (b) If the condition of any prisoner or inmate committed or transferred  
13 under this section requires psychiatric or psychological treatment after his or her  
14 date of release as determined under s. 302.11 or 302.113, whichever is applicable, the  
15 director of the state treatment facility shall, within a reasonable time before the  
16 release date of the prisoner or inmate, make a written application to the court which  
17 committed the prisoner or inmate under sub. (5) (a). Thereupon, the proceeding shall  
18 be upon application made under s. 51.20, but no physician or psychologist who is  
19 connected with a state prison, Winnebago or Mendota mental health institute or any  
20 county jail or house of correction may be appointed as an examiner. If the court does  
21 not commit the prisoner or inmate, it may dismiss the application and order the  
22 prisoner or inmate returned to the institution from which he or she was transferred  
23 until the release date of the prisoner or inmate. If the court commits the prisoner or  
24 inmate for the period commencing upon his or her release date, the commitment  
25 shall be to the care and custody of the county department under s. 51.42 or 51.437.

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1           **SECTION 23.** 51.37 (11) of the statutes is amended to read:

2           51.37 (11) When an individual who is in the custody of or under the supervision  
3 of a correctional officer of the department of corrections is transferred, discharged  
4 or is on unauthorized absence from a treatment facility, the probation, community  
5 supervision and parole agent or other individual within the department of  
6 corrections who is responsible for that individual's supervision shall be notified as  
7 soon as possible by the director of the treatment facility.

8           **SECTION 24.** 71.83 (2) (b) of the statutes is amended to read:

9           71.83 (2) (b) *Felony.* 1. 'False income tax return; fraud.' Any person, other than  
10 a corporation or limited liability company, who renders a false or fraudulent income  
11 tax return with intent to defeat or evade any assessment required by this chapter  
12 shall be guilty of a felony and may be fined not to exceed more than \$10,000 or  
13 imprisoned for not to exceed 5 more than 7 years and 6 months or both, together with  
14 the cost of prosecution. In this subdivision, "return" includes a separate return filed  
15 by a spouse with respect to a taxable year for which a joint return is filed under s.  
16 71.03 (2) (g) to (L) after the filing of that separate return, and a joint return filed by  
17 the spouses with respect to a taxable year for which a separate return is filed under  
18 s. 71.03 (2) (m) after the filing of that joint return.

19           2. 'Officer of a corporation; false franchise or income tax return.' Any officer  
20 of a corporation or manager of a limited liability company required by law to make,  
21 render, sign or verify any franchise or income tax return, who makes any false or  
22 fraudulent franchise or income tax return, with intent to defeat or evade any  
23 assessment required by this chapter shall be guilty of a felony and may be fined not  
24 to exceed more than \$10,000 or imprisoned for not to exceed 5 more than 7 years and  
25 6 months or both, together with the cost of prosecution.

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1           3. 'Evasion.' Any person who removes, deposits or conceals or aids in removing,  
2           depositing or concealing any property upon which a levy is authorized with intent  
3           to evade or defeat the assessment or collection of any tax administered by the  
4           department may be fined not more than \$5,000 or imprisoned for not more than ~~3~~ 4  
5           years and 6 months or both, together with the costs of prosecution.

6           4. 'Fraudulent claim for credit.' The claimant who filed a claim for credit under  
7           s. 71.07, 71.28 or 71.47 or subch. VIII or IX that is false or excessive and was filed  
8           with fraudulent intent and any person who assisted in the preparation or filing of the  
9           false or excessive claim or supplied information upon which the false or excessive  
10          claim was prepared, with fraudulent intent, may be fined not to exceed ~~more than~~  
11          \$10,000 or imprisoned for not to exceed ~~5~~ more than 7 years and 6 months or both,  
12          together with the cost of prosecution.

13          **SECTION 25.** 106.215 (8g) (b) of the statutes is amended to read:

14          106.215 (8g) (b) If the department of corrections is a sponsor of a project that  
15          is approved under this subsection, the corps members on the project shall be  
16          prisoners in state prison, probationers ~~or~~, parolees or persons on community  
17          supervision and the members of the project shall receive applicable alcohol or other  
18          drug abuse treatment and educational programming services for a portion of each  
19          work week, but not to exceed 8 hours per work week.

20          **SECTION 26.** 111.32 (3) of the statutes is amended to read:

21          111.32 (3) "Conviction record" includes, but is not limited to, information  
22          indicating that an individual has been convicted of any felony, misdemeanor or other  
23          offense, has been adjudicated delinquent, has been less than honorably discharged,  
24          or has been placed on probation, fined, imprisoned, placed on community supervision  
25          or paroled pursuant to any law enforcement or military authority.

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1           **SECTION 27.** 132.13 (1) (a) of the statutes is amended to read:

2           132.13 (1) (a) All goods, wares, and merchandise made wholly or in part by  
3 convict labor in any penitentiary, prison, reformatory or other establishment in  
4 which convict labor is employed except convicts or prisoners on parole, community  
5 supervision or probation, shall before being exposed for sale be branded, labeled,  
6 marked or tagged as herein provided and shall not be exposed for sale or sold in this  
7 state without such brand, label, mark or tag. Such brand, label, mark or tag shall  
8 contain at the head or top thereof the words "convict-made" followed by the name of  
9 the penitentiary, prison, or other establishment in which it was made in plain  
10 English lettering of the style and size known as eighteen point Cheltenham bold type  
11 capitals. The brand or mark shall in all cases where the nature of the articles will  
12 permit be placed on each individual article or part of such article that is sold, and only  
13 where such branding or marking is impossible shall a label or tag be used and where  
14 a label is used it shall be securely pasted onto each such article and when a tag is used  
15 it shall be a paper tag securely fastened to such article or part of article sold. In  
16 addition to the marking of each article or part of article sold a similar brand, mark,  
17 label or tag shall be placed upon the outside or upon its box, crate, or other covering.  
18 All brands, labels, marks, and tags shall be placed on a conspicuous part of such  
19 article or part of article and its container.

20           **SECTION 28.** 139.44 (1m) of the statutes is amended to read:

21           139.44 (1m) Any person who falsely or fraudulently tampers with a cigarette  
22 meter in order to evade the tax under s. 139.31 shall be imprisoned for not less than  
23 one year nor more than ~~10~~ 15 years.

24           **SECTION 29.** 139.44 (2) of the statutes is amended to read:

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1           139.44 (2) Any person who makes or verifies any false or fraudulent report or  
2 who attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets  
3 the evasion or attempted evasion of that tax shall be fined not less than \$1,000 nor  
4 more than \$5,000 or imprisoned not less than 90 days nor more than ~~one year~~ 2 years  
5 or both.

6           **SECTION 30.** 139.44 (8) (c) of the statutes is amended to read:

7           139.44 (8) (c) If the number of cigarettes exceeds 36,000, a fine of not more than  
8 \$10,000 or imprisonment for not more than ~~2~~ 3 years or both.

9           **SECTION 31.** 139.95 (2) of the statutes is amended to read:

10           139.95 (2) A dealer who possesses a schedule I controlled substance or schedule  
11 II controlled substance that does not bear evidence that the tax under s. 139.88 has  
12 been paid may be fined not more than \$10,000 or imprisoned for not more than ~~5~~ 7  
13 years and 6 months or both.

14           **SECTION 32.** 139.95 (3) of the statutes is amended to read:

15           139.95 (3) Any person who falsely or fraudulently makes, alters or counterfeits  
16 any stamp or procures or causes the same to be done or who knowingly utters,  
17 publishes, passes or tenders as true any false, altered or counterfeit stamp or who  
18 affixes a counterfeit stamp to a schedule I controlled substance or schedule II  
19 controlled substance or who possesses a schedule I controlled substance or schedule  
20 II controlled substance to which a false, altered or counterfeit stamp is affixed may  
21 be fined not more than \$10,000 or imprisoned for not less than one year nor more  
22 than ~~10~~ 15 years or both.

23           **SECTION 33.** 165.76 (1) (a) of the statutes is amended to read:

24           165.76 (1) (a) Is in prison or a secured correctional facility, as defined in s.  
25 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g) or on



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1 probation, community supervision, parole, supervision or aftercare supervision on  
2 or after August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or  
3 948.025.

4 **SECTION 34.** 165.76 (1) (e) of the statutes is amended to read:

5 165.76 (1) (e) Is on parole, community supervision or probation in this state  
6 from another state under s. 304.13 or 304.135 on or after July 9, 1996, for a violation  
7 of the law of another state that the department of corrections determines, under s.  
8 304.137, is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or  
9 948.025.

10 **SECTION 35.** 165.76 (2) (b) 1. of the statutes is amended to read:

11 165.76 (2) (b) 1. If the person has been placed on probation or supervision, he  
12 or she shall provide the specimen under par. (a) at the office of a county sheriff as soon  
13 after the placement as practicable, as directed by his or her probation, community  
14 supervision and parole agent or, if a child, the agency providing supervision for the  
15 child.

16 **SECTION 36.** 165.76 (2) (b) 2. of the statutes is amended to read:

17 165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured  
18 correctional facility or a secured child caring institution, he or she shall provide the  
19 specimen under par. (a) at the office of a county sheriff as soon as practicable after  
20 release on parole, community supervision or aftercare supervision, as directed by his  
21 or her probation, community supervision and parole agent or aftercare agent, except  
22 that the department of corrections may require the person to provide the specimen  
23 while he or she is in prison or in a secured correctional facility or a secured child  
24 caring institution.

25 **SECTION 37.** 165.76 (2) (b) 3m. of the statutes is amended to read:

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1           165.76 (2) (b) 3m. If the person is on parole, community supervision or  
2 probation in this state from another state under s. 304.13 or 304.135, he or she shall  
3 provide the specimen under par. (a) at the office of a county sheriff as soon as  
4 practicable after entering this state, as directed by his or her probation, community  
5 supervision and parole agent.

6           **SECTION 38.** 165.76 (2) (b) 5. of the statutes is amended to read:

7           165.76 (2) (b) 5. Notwithstanding subds. 1. to 3., for persons who are subject  
8 to sub. (1) and who are in prison, a secured correctional facility or a secured child  
9 caring institution or on probation, community supervision, parole, supervision or  
10 aftercare supervision on August 12, 1993, the departments of justice, corrections  
11 and health and family services shall cooperate to have these persons provide  
12 specimens under par. (a) before July 1, 1998.

13           **SECTION 39.** 165.76 (2) (b) 6. of the statutes is amended to read:

14           165.76 (2) (b) 6. Notwithstanding subd. 3m., for a person who is subject to sub.  
15 (1) (e) and who is on parole, community supervision or probation in this state from  
16 another state on July 9, 1996, the department of justice and the department of  
17 corrections shall cooperate to have these persons provide specimens under par. (a)  
18 before July 1, 2000.

19           **SECTION 40.** 165.84 (5) of the statutes is amended to read:

20           165.84 (5) All persons in charge of law enforcement and tribal law enforcement  
21 agencies, all clerks of court, all municipal judges where they have no clerks, all  
22 persons in charge of state and county penal and correctional institutions, and all  
23 persons in charge of state and county probation, community supervision and parole  
24 offices, shall supply the department with the information described in s. 165.83 (2)

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1 (f) on the basis of the forms and instructions to be supplied by the department under  
2 s. 165.83 (2) (g).

3 **SECTION 41.** 227.03 (4) of the statutes is amended to read:

4 227.03 (4) The provisions of this chapter relating to contested cases do not  
5 apply to proceedings involving the revocation of aftercare supervision under s.  
6 48.366 (5) or 938.357 (5), the revocation of parole, community supervision or  
7 probation, the grant of probation, prison discipline, mandatory release under s.  
8 302.11 or any other proceeding involving the care and treatment of a resident or an  
9 inmate of a correctional institution.

10 **SECTION 42.** 230.36 (1) of the statutes is amended to read:

11 230.36 (1) If a conservation warden, conservation patrol boat captain,  
12 conservation patrol boat engineer, state forest ranger, conservation field employe of  
13 the department of natural resources who is subject to call for fire control duty,  
14 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax  
15 investigator employed by the department of revenue, special criminal investigation  
16 agent employed by the department of justice, special tax agent, state drivers' license  
17 examiner, state fair park police officer, University of Wisconsin System police officer  
18 and other state facilities police officer and patrol officer, security officer, watcher,  
19 engineer, engineering aide, building construction superintendent, fire fighter  
20 employed at the Wisconsin Veterans Home, or guard or institutional aide or a state  
21 probation, community supervision and parole officer or any other employe whose  
22 duties include supervision and discipline of inmates or wards of the state at a state  
23 penal institution, including a secured correctional facility, as defined in s. 938.02  
24 (15m), or while on parole supervision or community supervision outside of the  
25 confines of the institutions, or supervision of persons placed on probation by a court

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1 of record, or supervision and care of patients at a state mental institution, and the  
2 University of Wisconsin Hospitals and Clinics suffers injury while in the  
3 performance of his or her duties, as defined in subs. (2) and (3); or any other state  
4 employe who is not listed in this subsection and who is ordered by his or her  
5 appointing authority to accompany any employe listed in this subsection while the  
6 listed employe is engaged in the duties defined in sub. (3), or any other state employe  
7 who is not listed in this subsection and who is ordered by his or her appointing  
8 authority to perform the duties, when permitted, in lieu of the listed employe and  
9 while so engaged in the duties defined in sub. (3), suffers injury as defined in sub.  
10 (2) the employe shall continue to be fully paid by the employing agency upon the same  
11 basis as paid prior to the injury, with no reduction in sick leave credits, compensatory  
12 time for overtime accumulations or vacation and no reduction in the rate of earning  
13 sick leave credit or vacation. The full pay shall continue while the employe is unable  
14 to return to work as the result of the injury or until the termination of his or her  
15 employment upon recommendation of the appointing authority. At any time during  
16 the employe's period of disability the appointing authority may order physical or  
17 medical examinations to determine the degree of disability at the expense of the  
18 employing agency.

19 **SECTION 43.** 230.36 (3) (c) (intro.) of the statutes is amended to read:

20 230.36 (3) (c) (intro.) A guard, institution aide, or other employe at the  
21 University of Wisconsin Hospitals and Clinics or at a state penal or mental  
22 institution, including a secured correctional facility, as defined in s. 938.02 (15m),  
23 and a state probation, community supervision and parole officer, at all times while:

24 **SECTION 44.** 230.36 (3) (c) 2. of the statutes is amended to read:

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1           230.36 (3) (c) 2. In the process of restraining patients, inmates, probationers  
2           or, parolees or persons on community supervision and apprehending runaways or  
3           escapees, including probationers and, parolees and persons on community  
4           supervision;

5           **SECTION 45.** 230.36 (3) (c) 3. of the statutes is amended to read:

6           230.36 (3) (c) 3. When injury is occasioned as the result of an act by a patient,  
7           inmate, probationer or, parolee or person on community supervision;

8           **SECTION 46.** 291.97 (2) (b) (intro.) of the statutes is amended to read:

9           291.97 (2) (b) (intro.) Any person who willfully does any of the following shall  
10          be fined not less than \$1,000 nor more than \$100,000 or imprisoned for not more than  
11          5 7 years and 6 months or both:

12          **SECTION 47.** 291.97 (2) (c) of the statutes is amended to read:

13          291.97 (2) (c) 1. For a 2nd or subsequent violation under par. (a), a person shall  
14          be fined not less than \$1,000 nor more than \$50,000 or imprisoned for not more than  
15          one year in the Wisconsin state prisons 2 years or both.

16          2. For a 2nd or subsequent violation under par. (b), a person shall be fined not  
17          less than \$5,000 nor more than \$150,000 or imprisoned for not more than ~~10~~ 15 years  
18          or both.

19          **SECTION 48.** 301.03 (2r) of the statutes is amended to read:

20          301.03 (2r) Conduct drug testing of prospective parolees or persons to be placed  
21          on community supervision who have undergone treatment while in state prison.

22          **SECTION 49.** 301.03 (3) of the statutes is amended to read:

23          301.03 (3) Administer parole, community supervision and probation matters,  
24          except that the decision to grant or deny parole to inmates shall be made by the parole  
25          commission and the decision to revoke probation, community supervision or parole

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1 in cases in which there is no waiver of the right to a hearing shall be made by the  
2 division of hearings and appeals in the department of administration. The secretary  
3 may grant special action parole releases under s. 304.02. The department shall  
4 promulgate rules establishing a drug testing program for probationers ~~and~~, parolees  
5 and persons placed on community supervision. The rules shall provide for  
6 assessment of fees upon probationers ~~and~~, parolees and persons placed on  
7 community supervision to partially offset the costs of the program.

8 **SECTION 50.** 301.03 (3g) of the statutes is amended to read:

9 301.03 **(3g)** Provide treatment for alcoholics and intoxicated persons on parole  
10 or community supervision.

11 **SECTION 51.** 301.048 (1) (a) of the statutes is amended to read:

12 301.048 **(1)** (a) Punishment that is less costly than ordinary imprisonment and  
13 more restrictive than ordinary probation or parole supervision or community  
14 supervision.

15 **SECTION 52.** 301.048 (2) (cm) of the statutes is created to read:

16 301.048 **(2)** (cm) A court or the department requires his or her participation in  
17 the program as a condition of community supervision under s. 302.113 (7) or 302.114  
18 (5) (d) or (8) or 973.01 (5).

19 **SECTION 53.** 301.048 (2) (d) of the statutes is amended to read:

20 301.048 **(2)** (d) The department and the person agree to his or her participation  
21 in the program as an alternative to revocation of probation, community supervision  
22 or parole.

23 **SECTION 54.** 301.048 (4) (a) of the statutes is amended to read:

24 301.048 **(4)** (a) A participant is in the custody and under the control of the  
25 department, subject to its rules and discipline. A participant entering the program

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1 under sub. (2) (a) or (b) is a prisoner. A participant entering the program under sub.  
2 (2) (c) is a prisoner, except that he or she is a parolee for purposes of revocation. A  
3 participant entering the program under sub. (2) (cm) is a prisoner, except that he or  
4 she remains a person on community supervision for purposes of revocation. A  
5 participant entering the program under sub. (2) (d) is a prisoner, except that he or  
6 she remains a probationer ~~or~~, parolee or person on community supervision,  
7 whichever is applicable, for purposes of revocation.

8 **SECTION 55.** 301.048 (4) (am) of the statutes is amended to read:

9 301.048 (4) (am) A participant who is a parolee for purposes of revocation is  
10 subject to revocation for violation of any condition of parole or any rule or condition  
11 applicable because he or she is a program participant. A participant who is a person  
12 on community supervision for purposes of revocation is subject to revocation for  
13 violation of any condition of community supervision or any rule or condition  
14 applicable because he or she is a program participant. A participant who is a  
15 probationer for purposes of revocation is subject to revocation for violation of any  
16 condition of probation or any rule or condition applicable because he or she is a  
17 program participant.

18 **SECTION 56.** 301.048 (4m) (b) (intro.) of the statutes is amended to read:

19 301.048 (4m) (b) (intro.) As soon as possible after a prisoner, probationer ~~or~~,  
20 parolee or person on community supervision who has violated s. 940.03, 940.05,  
21 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07 enters the intensive  
22 sanctions program, the department shall make a reasonable effort to notify all of the  
23 following persons, if they can be found, in accordance with par. (c) and after receiving  
24 a completed card under par. (d):

25 **SECTION 57.** 301.048 (4m) (b) 1. of the statutes is amended to read:

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1           301.048 (4m) (b) 1. The victim of the crime committed by the prisoner,  
2 probationer or, parolee or person on community supervision or, if the victim died as  
3 a result of the crime, an adult member of the victim's family or, if the victim is younger  
4 than 18 years old, the victim's parent or legal guardian.

5           **SECTION 58.** 301.048 (4m) (b) 2. of the statutes is amended to read:

6           301.048 (4m) (b) 2. Any witness who testified against the prisoner, probationer  
7 or, parolee or person on community supervision in any court proceeding involving the  
8 offense.

9           **SECTION 59.** 301.048 (6) of the statutes is renumbered 301.048 (6) (a) and  
10 amended to read:

11           301.048 (6) (a) The Except as provided in par. (b), the department may  
12 discharge a participant from participation in the program and from departmental  
13 custody and control at any time.

14           **SECTION 60.** 301.048 (6) (b) of the statutes is created to read:

15           301.048 (6) (b) The department may discharge a participant who is on  
16 community supervision under s. 302.113 from participation in the program at any  
17 time, but the person remains under departmental supervision under the terms of the  
18 person's bifurcated sentence imposed under s. 973.01 until the end of that sentence.

19           **SECTION 61.** 301.049 (2) (a) 2. of the statutes is amended to read:

20           301.049 (2) (a) 2. On probation, community supervision or parole and who, if  
21 approved by the department under par. (b), would participate in the program as an  
22 alternative to revocation of probation, community supervision or parole.

23           **SECTION 62.** 301.049 (3) (e) of the statutes is amended to read:

24           301.049 (3) (e) Prepare each mother to be able to live in a safe, lawful and stable  
25 manner in the community upon parole, community supervision or discharge.



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1           **SECTION 63.** 301.08 (1) (c) 1. a. of the statutes is amended to read:

2           301.08 (1) (c) 1. a. “Administrative supervision” means the supervision of a  
3           probationer ~~or~~, parolee or person on community supervision in which the department  
4           requires that a minimum of one face-to-face contact occur every 6 months between  
5           the probationer ~~or~~, parolee or person on community supervision and a representative  
6           of the department and that the probationer ~~or~~, parolee or person on community  
7           supervision submit a monthly report to the department.

8           **SECTION 64.** 301.08 (1) (c) 1. b. of the statutes is amended to read:

9           301.08 (1) (c) 1. b. “Minimum supervision” means the supervision of a  
10          probationer ~~or~~, parolee or person on community supervision in which the department  
11          requires that a minimum of one face-to-face contact occur every 90 days between the  
12          probationer ~~or~~, parolee or person on community supervision and a representative of  
13          the department and that the probationer ~~or~~, parolee or person on community  
14          supervision submit a monthly report to the department.

15          **SECTION 65.** 301.08 (1) (c) 2. of the statutes is amended to read:

16          301.08 (1) (c) 2. Beginning on January 1, 1996, the department may contract  
17          with public, private or voluntary vendors for the supervision of probationers ~~and~~,  
18          parolees and persons on community supervision who are under minimum  
19          supervision or administrative supervision. The contract shall authorize any such  
20          vendor to charge a fee to probationers ~~and~~, parolees and persons on community  
21          supervision sufficient to cover the cost of supervision and administration of the  
22          contract. If the department collects any moneys from a vendor under the contract,  
23          the department shall credit those moneys to the appropriation account under s.  
24          20.410 (1) (g). The department shall promulgate rules for fees, collections, reporting

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1 and verification regarding probationers ~~and~~, parolees and persons on community  
2 supervision supervised by the vendor.

3 **SECTION 66.** 301.132 (2) of the statutes is amended to read:

4 301.132 (2) The department may require, as a condition of probation ~~or~~, parole  
5 or community supervision, that a probationer ~~or~~, parolee or person on community  
6 supervision who is a sex offender submit to a lie detector test when directed to do so  
7 by the department.

8 **SECTION 67.** 301.132 (3) of the statutes is amended to read:

9 301.132 (3) The department shall promulgate rules establishing a lie detector  
10 test program for probationers ~~and~~, parolees and persons on community supervision  
11 who are sex offenders. The rules shall provide for assessment of fees upon  
12 probationers ~~and~~, parolees and persons on community supervision to partially offset  
13 the costs of the program.

14 **SECTION 68.** 301.21 (1) (h) of the statutes is amended to read:

15 301.21 (1) (h) Provisions concerning procedures for probation, parole,  
16 community supervision and discharge.

17 **SECTION 69.** 301.32 (3) (a) of the statutes is amended to read:

18 301.32 (3) (a) All money or other property paid or delivered to a probation,  
19 community supervision and parole agent or other employe of the department by or  
20 for the benefit of any person on probation, community supervision or parole shall be  
21 immediately transmitted to the department and it shall enter the same upon its  
22 books to his or her credit. The property shall be used only under the direction of the  
23 department.

24 **SECTION 70.** 301.32 (3) (b) of the statutes is amended to read:

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1           301.32 (3) (b) If the person on probation, community supervision or parole  
2 absconds, the money shall be credited to the revolving fund created by s. 304.075; and  
3 other property if not called for within one year shall be sold by the department and  
4 the proceeds shall be credited to the fund.

5           **SECTION 71.** 301.35 (2) (bm) of the statutes is created to read:

6           301.35 (2) (bm) A person on community supervision.

7           **SECTION 72.** 301.38 (1) (am) of the statutes is amended to read:

8           301.38 (1) (am) "Prisoner" has the meaning given in s. 301.01 (2), but does not  
9 include any person in the intensive sanctions program under s. 301.048 or any person  
10 who is imprisoned as an alternative to the revocation of probation, community  
11 supervision or parole.

12           **SECTION 73.** 301.45 (1) (b) of the statutes, as affected by 1995 Wisconsin Act  
13 440, is amended to read:

14           301.45 (1) (b) Is in prison, a secured correctional facility, as defined in s. 938.02  
15 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or on  
16 probation, community supervision, parole, supervision or aftercare supervision on  
17 or after December 25, 1993, for any violation, or for the solicitation, conspiracy or  
18 attempt to commit any violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02  
19 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 or 948.30, or of s.  
20 940.30 or 940.31 if the victim was a minor and the person was not the victim's parent.

21           **SECTION 74.** 301.45 (1) (bm) of the statutes, as created by 1995 Wisconsin Act  
22 440, is amended to read:

23           301.45 (1) (bm) Is in prison, a secured correctional facility, as defined in s.  
24 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or  
25 on probation, community supervision, parole, supervision or aftercare supervision

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1 on or after December 25, 1993, for a violation, or for the solicitation, conspiracy or  
2 attempt to commit a violation, of a law of this state that is comparable to s. 940.22  
3 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,  
4 948.07, 948.08, 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or  
5 940.31 if the victim was a minor and the person was not the victim's parent.

6 **SECTION 75.** 301.45 (1) (dh) of the statutes, as created by 1995 Wisconsin Act  
7 440, is amended to read:

8 301.45 (1) (dh) Is on parole, community supervision or probation in this state  
9 from another state under s. 304.13 or 304.135 on or after December 25, 1993, for a  
10 violation, or for the solicitation, conspiracy or attempt to commit a violation, of the  
11 law of another state that is comparable to a violation of s. 940.22 (2), 940.225 (1), (2)  
12 or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08,  
13 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or 940.31 if the victim  
14 was a minor and the person was not the victim's parent.

15 **SECTION 76.** 301.45 (2) (a) 4. b. of the statutes, as created by 1995 Wisconsin  
16 Act 440, is amended to read:

17 301.45 (2) (a) 4. b. The date the person was or is to be released from  
18 confinement, whether on parole, community supervision or otherwise, or discharged  
19 or terminated from a sentence or commitment.

20 **SECTION 77.** 301.45 (2) (e) 1. of the statutes, as created by 1995 Wisconsin Act  
21 440, is amended to read:

22 301.45 (2) (e) 1. Within 10 days after the person being placed on parole,  
23 community supervision, probation, supervision, aftercare supervision, conditional  
24 release or supervised release.

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1           **SECTION 78.** 301.45 (2) (e) 2. of the statutes, as created by 1995 Wisconsin Act  
2 440, is amended to read:

3           301.45 (2) (e) 2. If the person is on parole, community supervision or probation  
4 from another state under s. 304.13 or 304.135, within 10 days after the person enters  
5 this state.

6           **SECTION 79.** 301.45 (3) (a) 1m. of the statutes, as created by 1995 Wisconsin Act  
7 440, is amended to read:

8           301.45 (3) (a) 1m. If the person is on parole, community supervision or  
9 probation from another state under s. 304.13 or 304.135, he or she is subject to this  
10 subsection upon entering this state.

11           **SECTION 80.** 301.45 (3) (a) 2. of the statutes, as affected by 1995 Wisconsin Act  
12 440, is amended to read:

13           301.45 (3) (a) 2. If the person has been sentenced to prison or placed in a secured  
14 correctional facility or a secured child caring institution, he or she is subject to this  
15 subsection upon being released on parole, community supervision or aftercare  
16 supervision.

17           **SECTION 81.** 301.45 (3) (b) 2. of the statutes, as affected by 1995 Wisconsin Act  
18 440, is amended to read:

19           301.45 (3) (b) 2. The department shall notify a person who is being released  
20 from prison because he or she has reached the expiration date of his or her sentence  
21 and who is covered under sub. (1) of the need to comply with this section. Also,  
22 probation, community supervision and parole agents, aftercare agents and agencies  
23 providing supervision shall notify any client who is covered under sub. (1) of the need  
24 to comply with this section at the time the client is placed on probation, community  
25 supervision, parole, supervision or aftercare supervision or, if the client is on

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1 probation, community supervision or parole from another state under s. 304.13 or  
2 304.135, when the client enters this state.

3 **SECTION 82.** 301.45 (3) (b) 4. of the statutes, as affected by 1995 Wisconsin Act  
4 440, is amended to read:

5 301.45 (3) (b) 4. Failure to receive notice under this paragraph from the  
6 department of health and family services, the department of corrections, a probation,  
7 community supervision and parole agent, an aftercare agent or an agency providing  
8 supervision is not a defense to liability under sub. (6).

9 **SECTION 83.** 301.45 (5) (a) 1m. of the statutes, as created by 1995 Wisconsin Act  
10 440, is amended to read:

11 301.45 (5) (a) 1m. If the person is on parole, community supervision or  
12 probation from another state under s. 304.13 or 304.135, 15 years after discharge  
13 from that parole, community supervision or probation.

14 **SECTION 84.** 301.46 (2) (b) 4. b. of the statutes, as created by 1995 Wisconsin  
15 Act 440, is amended to read:

16 301.46 (2) (b) 4. b. The date the person was released from confinement, whether  
17 on parole, community supervision or otherwise, or discharged or terminated from a  
18 sentence or commitment.

19 **SECTION 85.** 302.045 (1) of the statutes is amended to read:

20 302.045 (1) PROGRAM. The department shall provide a challenge incarceration  
21 program for inmates selected to participate under sub. (2). The program shall  
22 provide participants with strenuous physical exercise, manual labor, personal  
23 development counseling, substance abuse treatment and education, military drill  
24 and ceremony and counseling in preparation for release on parole or community  
25 supervision. The department shall design the program to include not less than 50

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1 participants at a time and so that a participant may complete the program in not  
2 more than 180 days. The department may restrict participant privileges as  
3 necessary to maintain discipline.

4 **SECTION 86.** 302.045 (3) of the statutes is amended to read:

5 302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department  
6 determines that an inmate has successfully completed the challenge incarceration  
7 program, the parole commission shall parole the inmate under s. 304.06, regardless  
8 of the time the inmate has served, unless the person is serving a sentence imposed  
9 under s. 973.01. When the parole commission grants parole under this subsection,  
10 it must require the parolee to participate in an intensive supervision program for  
11 drug abusers as a condition of parole.

12 **SECTION 87.** 302.11 (1) of the statutes is amended to read:

13 302.11 (1) The warden or superintendent shall keep a record of the conduct of  
14 each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),  
15 (1m), (1z), (7) and (10), each inmate is entitled to mandatory release on parole by the  
16 department. The mandatory release date is established at two-thirds of the  
17 sentence. Any calculations under this subsection or sub. (2) (b) resulting in fractions  
18 of a day shall be rounded in the inmate's favor to a whole day.

19 **SECTION 88.** 302.11 (1g) (am) of the statutes is amended to read:

20 302.11 (1g) (am) The mandatory release date established in sub. (1) is a  
21 presumptive mandatory release date for an inmate who is serving a sentence for a  
22 serious felony committed on or after April 21, 1994, but before July 1, 1998.

23 **SECTION 89.** 302.11 (1i) of the statutes is amended to read:

24 302.11 (1i) ~~An~~ Except as provided in sub. (1z), an inmate serving a sentence to  
25 the intensive sanctions program is entitled to mandatory release. The mandatory

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1 release date under sub. (1) is established at two-thirds of the sentence under s.  
2 973.032 (3) (a).

3 **SECTION 90.** 302.11 (1p) of the statutes is amended to read:

4 302.11 **(1p)** An inmate serving a term subject to s. 961.49 (2) for a crime  
5 committed before July 1, 1998, is entitled to mandatory release, except the inmate  
6 may not be released before he or she has complied with s. 961.49 (2).

7 **SECTION 91.** 302.11 (1z) of the statutes is created to read:

8 302.11 **(1z)** An inmate who is sentenced to a term of confinement in prison  
9 under s. 973.01 for a felony that is committed on or after July 1, 1998, is not entitled  
10 to mandatory release on parole under this section.

11 **SECTION 92.** 302.11 (6) of the statutes is amended to read:

12 302.11 **(6)** Any inmate released on parole under sub. (1) or (1g) (b) or s. 304.02  
13 or 304.06 (1) is subject to all conditions and rules of parole until the expiration of the  
14 sentence or until he or she is discharged by the department. Except as provided in  
15 ch. 304, releases from prison shall be on the Tuesday or Wednesday preceding the  
16 release date. The department may discharge a parolee on or after his or her  
17 mandatory release date or after 2 years of supervision. Any inmate sentenced to the  
18 intensive sanctions program who is released on parole under sub. (1) or s. 304.02 or  
19 304.06 (1) remains in the program unless discharged by the department under s.  
20 301.048 (6) (a).

21 **SECTION 93.** 302.11 (9) of the statutes is amended to read:

22 302.11 **(9)** Except as provided in ~~sub.~~ subs. (1g) (am) and (1z), this section  
23 applies to persons committing offenses occurring on or after June 1, 1984, or persons  
24 filing requests in accordance with 1983 Wisconsin Act 528, section 29 (2) or (3).

25 **SECTION 94.** 302.113 of the statutes is created to read:



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1           **302.113 Release to community supervision for felony offenders not**  
2           **servicing life sentences. (1)** An inmate is subject to this section if he or she is  
3           serving a bifurcated sentence imposed under s. 973.01.

4           **(2)** Except as provided in subs. (3) and (9), an inmate subject to this section is  
5           entitled to release to community supervision after he or she has served the term of  
6           confinement in prison portion of the sentence imposed under s. 973.01.

7           **(3) (a)** The warden or superintendent shall keep a record of the conduct of each  
8           inmate subject to this section, specifying each infraction of the rules. If an inmate  
9           subject to this section violates any regulation of the prison or refuses or neglects to  
10          perform required or assigned duties, the department may extend the term of  
11          confinement in prison portion of the inmate's bifurcated sentence as follows:

- 12           1. 10 days for the first offense.
- 13           2. 20 days for the 2nd offense.
- 14           3. 40 days for the 3rd or each subsequent offense.

15          **(b)** In addition to the sanctions under par. (a), if an inmate subject to this section  
16          is placed in adjustment, program or controlled segregation status, the department  
17          may extend his or her term of confinement in prison portion of the bifurcated  
18          sentence by a number of days equal to 50% of the number of days spent in segregation  
19          status. In administering this paragraph, the department shall use the definition of  
20          adjustment, program or controlled segregation status under departmental rules in  
21          effect at the time an inmate is placed in that status.

22          **(c)** No extension of a term of confinement in prison under this subsection may  
23          require an inmate to serve more days in prison than the total length of the bifurcated  
24          sentence imposed under s. 973.01.

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1 (d) If the term of confinement in prison portion of a bifurcated sentence is  
2 increased under this subsection, the term of community supervision is reduced so  
3 that the total length of the bifurcated sentence does not change.

4 (4) All consecutive sentences shall be computed as one continuous sentence.  
5 The person shall serve any term of community supervision after serving all terms of  
6 confinement in prison.

7 (5) An inmate may waive entitlement to release to community supervision if  
8 the department agrees to the waiver.

9 (6) Before a person is released to community supervision under this section,  
10 the department shall notify the municipal police department and the county sheriff  
11 for the area where the person will be residing. The notification requirement does not  
12 apply if a municipal department or county sheriff submits to the department a  
13 written statement waiving the right to be notified. If applicable, the department  
14 shall also comply with s. 304.063.

15 (7) Any inmate released to community supervision under this section is subject  
16 to all conditions and rules of community supervision until the expiration of the term  
17 of community supervision portion of the bifurcated sentence. The department may  
18 set conditions of community supervision in addition to any conditions of community  
19 supervision set by the court under s. 973.01 (5) if the conditions set by the department  
20 do not conflict with the court's conditions.

21 (8) Releases to community supervision from prison shall be on the Tuesday or  
22 Wednesday preceding the date on which he or she completes the term of  
23 imprisonment.

24 (9) (a) If a person released to community supervision under this section violates  
25 a condition of community supervision, the division of hearings and appeals in the

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1 department of administration, upon proper notice and hearing, or the department  
2 of corrections, if the person on community supervision waives a hearing, may revoke  
3 the community supervision of the person and return the person to prison. If the  
4 person is returned to prison, he or she shall be returned to prison for any specified  
5 period of time that does not exceed the time remaining on the bifurcated sentence.  
6 The time remaining on the bifurcated sentence is the total length of the bifurcated  
7 sentence, less time served by the person in custody before release to community  
8 supervision. The revocation order shall provide the person on community  
9 supervision with credit in accordance with ss. 304.072 and 973.155.

10 (b) A person who is returned to prison after revocation of community  
11 supervision shall be incarcerated for the entire period of time specified by the  
12 department of corrections in the case of a waiver or by the division of hearings and  
13 appeals in the department of administration in the case of a hearing under par. (a).  
14 The period of time specified under par. (a) may be extended in accordance with sub.  
15 (3).

16 (c) A person who is subsequently released to community supervision after  
17 service of the period of time specified by the department of corrections in the case of  
18 a waiver or by the division of hearings and appeals in the department of  
19 administration in the case of a hearing under par. (a) is subject to all conditions and  
20 rules under sub. (7) until the expiration of the term of community supervision portion  
21 of the bifurcated sentence.

22 (10) The department may promulgate rules establishing guidelines and  
23 criteria for the exercise of discretion under this section.

24 **SECTION 95.** 302.114 of the statutes is created to read:

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1           **302.114 Petition for release and release to community supervision for**  
2 **felony offenders serving life sentences. (1)** An inmate is subject to this section  
3 if he or she is serving a life sentence imposed under s. 973.014 (1g) (a) 1. or 2. An  
4 inmate serving a life sentence under s. 939.62 (2m) or 973.014 (1g) (a) 3. is not eligible  
5 for release to community supervision under this section.

6           **(2)** Except as provided in subs. (3) and (9), an inmate subject to this section may  
7 petition the sentencing court for release to community supervision after he or she has  
8 served 20 years, if the inmate was sentenced under s. 973.014 (1g) (a) 1., or after he  
9 or she has reached the community supervision eligibility date set by the court, if the  
10 inmate was sentenced under s. 973.014 (1g) (a) 2.

11           **(3)** (a) The warden or superintendent shall keep a record of the conduct of each  
12 inmate subject to this section, specifying each infraction of the rules. If any inmate  
13 subject to this section violates any regulation of the prison or refuses or neglects to  
14 perform required or assigned duties, the department may extend the community  
15 supervision eligibility date set under s. 973.014 (1g) (a) 1. or 2., whichever is  
16 applicable, as follows:

- 17           1. 10 days for the first offense.
- 18           2. 20 days for the 2nd offense.
- 19           3. 40 days for the 3rd or each subsequent offense.

20           (b) In addition to the sanctions under par. (a), if an inmate subject to this section  
21 is placed in adjustment, program or controlled segregation status, the department  
22 may extend the community supervision eligibility date set under s. 973.014 (1g) (a)  
23 1. or 2., whichever is applicable, by a number of days equal to 50% of the number of  
24 days spent in segregation status. In administering this paragraph, the department

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1 shall use the definition of adjustment, program or controlled segregation status  
2 under departmental rules in effect at the time an inmate is placed in that status.

3 (4) All consecutive sentences shall be computed as one continuous sentence.  
4 An inmate subject to this section shall serve any term of community supervision after  
5 serving all terms of confinement in prison.

6 (5) (a) An inmate subject to this section who is seeking release to community  
7 supervision shall file a petition for release to community supervision with the court  
8 that sentenced him or her. An inmate may not file an initial petition under this  
9 paragraph earlier than 90 days before his or her community supervision eligibility  
10 date. If an inmate files an initial petition for release to community supervision at  
11 any time earlier than 90 days before his or her community supervision eligibility  
12 date, the court shall deny the petition without a hearing.

13 (am) The inmate shall serve a copy of a petition for release to community  
14 supervision on the district attorney's office that prosecuted him or her, and the  
15 district attorney shall file a written response to the petition within 45 days after the  
16 date he or she receives the petition.

17 (b) After reviewing a petition for release to community supervision and the  
18 district attorney's response to the petition, the court shall decide whether to hold a  
19 hearing on the petition or, if it does not hold a hearing, whether to grant or deny the  
20 petition without a hearing. If the court decides to hold a hearing under this  
21 paragraph, the hearing shall be before the court without a jury. The office of the  
22 district attorney that prosecuted the inmate shall represent the state at the hearing.

23 (c) Before deciding whether to grant or deny the inmate's petition, the court  
24 shall allow a victim or family member of a homicide victim to make a statement or  
25 submit a statement concerning the release of the inmate to community supervision.

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1 The court may allow any other person to make or submit a statement under this  
2 paragraph. Any statement under this paragraph must be relevant to the release of  
3 the inmate to community supervision.

4 (cm) A court may not grant an inmate's petition for release to community  
5 supervision unless the inmate proves, by clear and convincing evidence, that he or  
6 she is not a danger to the public.

7 (d) If the court grants the inmate's petition for release to community  
8 supervision, the court may impose conditions on the term of community supervision.

9 (e) If the court denies the inmate's petition for release to community  
10 supervision, the court shall specify the date on which the inmate may file a  
11 subsequent petition under this section. An inmate may file a subsequent petition at  
12 any time on or after the date specified by the court, but if the inmate files a  
13 subsequent petition for release to community supervision before the date specified  
14 by the court, the court may deny the petition without a hearing.

15 (f) An inmate may appeal an order denying his or her petition for release to  
16 community supervision. In an appeal under this paragraph, the appellate court  
17 shall determine whether the court properly exercised its discretion in denying the  
18 petition for release to community supervision.

19 **(6)** (a) In this subsection:

20 1. "Member of the family" means spouse, child, sibling, parent or legal  
21 guardian.

22 2. "Victim" means a person against whom a crime has been committed.

23 (b) If an inmate petitions a court under sub. (5) or (9) (b) for release to  
24 community supervision under this section, the clerk of the circuit court in which the  
25 petition is filed shall send a copy of the petition and, if a hearing is scheduled, a notice

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1 of hearing to the victim of the crime committed by the inmate or, if the victim died  
2 as a result of the crime, an adult member of the victim's family or, if the victim is  
3 younger than 18 years old, the victim's parent or legal guardian, if the victim, adult  
4 family member or parent or legal guardian has submitted a card under par. (e)  
5 requesting notification.

6 (c) The notice under par. (b) shall inform the persons under par. (b) that they  
7 may appear at the hearing under sub. (5) or (9) (b), if a hearing is scheduled, and shall  
8 inform them of the manner in which they may provide written statements  
9 concerning the inmate's petition for release to community supervision.

10 (d) The clerk of the circuit court shall make a reasonable effort to send a copy  
11 of the inmate's petition to the last-known address of the persons under par. (b) within  
12 7 days of the date on which the petition is filed and shall make a reasonable effort  
13 to send the notice of hearing, if a hearing is scheduled, to the last-known address of  
14 the persons under par. (b), postmarked at least 10 days before the date of the hearing.

15 (e) The director of state courts shall design and prepare cards for a person  
16 specified under par. (b) to send to the clerk of the circuit court in which the inmate  
17 is convicted and sentenced. The cards shall have space for any such person to provide  
18 his or her name and address, the name of the applicable inmate and any other  
19 information the director of state courts determines is necessary. The director of state  
20 courts shall provide the cards, without charge, to clerks of circuit court. Clerks of  
21 circuit court shall provide the cards, without charge, to persons specified in par. (b).  
22 These persons may send completed cards to the clerk of the circuit court in which the  
23 inmate was convicted and sentenced. All court records or portions of records that  
24 relate to mailing addresses of these persons are not subject to inspection or copying  
25 under s. 19.35 (1).

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1           (7) Before a person is released to community supervision under this section,  
2 the department shall notify the municipal police department and the county sheriff  
3 for the area where the person will be residing. The notification requirement does not  
4 apply if a municipal department or county sheriff submits to the department a  
5 written statement waiving the right to be notified. If applicable, the department  
6 shall also comply with s. 304.063.

7           (8) Any inmate released to community supervision under this section is subject  
8 to all conditions and rules of community supervision. The department may set  
9 conditions of community supervision in addition to any conditions of community  
10 supervision set by the court under sub. (5) (d) if the conditions set by the department  
11 do not conflict with the court's conditions.

12           (9) (a) If a person released to community supervision under this section violates  
13 a condition of community supervision, the division of hearings and appeals in the  
14 department of administration, upon proper notice and hearing, or the department  
15 of corrections, if the person on community supervision waives a hearing, may revoke  
16 the community supervision of the person and return the person to prison.

17           (b) A person who is returned to prison after revocation of community  
18 supervision under par. (a) shall be incarcerated for 5 years, subject to extension in  
19 accordance with sub. (3), after which period of time the person may, upon petition to  
20 the sentencing court, be released to community supervision. An inmate may not file  
21 a petition under this paragraph earlier than 90 days before the end of the 5-year  
22 period. If an inmate files a petition for release to community supervision under this  
23 paragraph at any time earlier than 90 days before the end of the 5-year period, the  
24 court shall deny the petition without a hearing. The procedures specified in sub. (5)  
25 (am) to (f) apply to a petition filed under this paragraph.



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1 (c) A person who is subsequently released to community supervision under par.  
2 (b) is subject to all conditions and rules under sub. (8) until the expiration of the  
3 sentence.

4 (10) The department may promulgate rules establishing guidelines and  
5 criteria for the exercise of discretion under this section.

6 **SECTION 96.** 302.14 of the statutes is amended to read:

7 **302.14 (title) Property of deceased inmates, parolees ~~or~~, probationers**  
8 **or persons on community supervision, disposition.** When an inmate of a  
9 prison ~~or~~, a parolee of an institution, a person on community supervision or a person  
10 on probation to the department dies leaving an estate of \$150 or less in the trust of  
11 the warden, superintendent or secretary, the warden, superintendent or secretary  
12 shall try to determine whether or not the estate is to be probated. If probate  
13 proceedings are not commenced within 90 days, the warden, superintendent or  
14 secretary shall turn over the money or securities to the nearest of kin as evidenced  
15 by the records of the institution and the department.

16 **SECTION 97.** 302.17 (2) of the statutes is amended to read:

17 302.17 (2) The department shall make entries on the register to reflect the  
18 progress made by each inmate while incarcerated and the inmate's release on parole  
19 or community supervision, condition at the time of release on parole or community  
20 supervision and progress made while on parole or community supervision. This  
21 subsection does not apply to inmates subject to an order under s. 48.366.

22 **SECTION 98.** 302.25 (4) (c) of the statutes is amended to read:

23 302.25 (4) (c) Inmates confined in an institution pursuant to the terms of this  
24 compact shall at all times be subject to the jurisdiction of the sending state and may  
25 at any time be removed therefrom for transfer to a prison or other institution within

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1 the sending state, for transfer to another institution in which the sending state may  
2 have a contractual or other right to confine inmates, for release on probation,  
3 community supervision or parole, for discharge, or for any other purpose permitted  
4 by the laws of the sending state; provided, that the sending state shall continue to  
5 be obligated to such payments as may be required pursuant to the terms of any  
6 contract entered into under the terms of sub. (3).

7 **SECTION 99.** 302.33 (2) (a) (intro.) of the statutes is amended to read:

8 302.33 (2) (a) (intro.) The department shall pay for the maintenance of persons  
9 in its custody who are placed in the county jail or other county facility, or in a tribal  
10 jail under s. 302.445, pending disposition of parole, community supervision or  
11 probation revocation proceedings subject to the following conditions:

12 **SECTION 100.** 302.33 (2) (b) of the statutes is amended to read:

13 302.33 (2) (b) This subsection applies only to probationers ~~or~~, parolees or  
14 persons on community supervision who were placed on that status in connection with  
15 a conviction for a felony. This subsection applies only to confinements initiated after  
16 July 2, 1983.

17 **SECTION 101.** 302.335 (title) of the statutes is amended to read:

18 **302.335 (title) Restrictions on detaining probationers and, parolees**  
19 **and persons on community supervision in county or tribal jail.**

20 **SECTION 102.** 302.335 (2) (intro.) of the statutes is amended to read:

21 302.335 (2) (intro.) If a probationer ~~or~~, parolee or person on community  
22 supervision is detained in a county jail or other county facility, or in a tribal jail under  
23 s. 302.445, pending disposition of probation ~~or~~, parole or community supervision  
24 revocation proceedings, the following conditions apply:

25 **SECTION 103.** 302.335 (2) (a) (intro.) of the statutes is amended to read:

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1           302.335 (2) (a) (intro.) The department shall begin a preliminary revocation  
2 hearing within 15 working days after the probationer ~~or~~, parolee or person on  
3 community supervision is detained in the county jail, other county facility or the  
4 tribal jail. The department may extend, for cause, this deadline by not more than  
5 5 additional working days upon written notice to the probationer ~~or~~, parolee or  
6 person on community supervision and the sheriff, the tribal chief of police or other  
7 person in charge of the county facility. This paragraph does not apply under any of  
8 the following circumstances:

9           **SECTION 104.** 302.335 (2) (a) 1. of the statutes is amended to read:

10           302.335 (2) (a) 1. The probationer ~~or~~, parolee or person on community  
11 supervision has waived, in writing, the right to a preliminary hearing.

12           **SECTION 105.** 302.335 (2) (a) 2. of the statutes is amended to read:

13           302.335 (2) (a) 2. The probationer ~~or~~, parolee or person on community  
14 supervision has given and signed a written statement that admits the violation.

15           **SECTION 106.** 302.335 (2) (a) 3. of the statutes is amended to read:

16           302.335 (2) (a) 3. There has been a finding of probable cause in a felony criminal  
17 action and the probationer ~~or~~, parolee or person on community supervision is bound  
18 over for trial for the same or similar conduct that is alleged to be a violation of  
19 supervision.

20           **SECTION 107.** 302.335 (2) (b) of the statutes is amended to read:

21           302.335 (2) (b) The division shall begin a final revocation hearing within 50  
22 calendar days after the person is detained in the county jail, other county facility or  
23 the tribal jail. The department may request the division to extend this deadline by  
24 not more than 10 additional calendar days, upon notice to the probationer ~~or~~, parolee  
25 or person on community supervision, the sheriff, the tribal chief of police or other

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1 person in charge of the facility, and the division. The division may grant the request.

2 This paragraph does not apply if the probationer ~~or~~, parolee or person on community  
3 supervision has waived the right to a final revocation hearing.

4 **SECTION 108.** 302.335 (3) of the statutes is amended to read:

5 302.335 (3) If there is a failure to begin a hearing within the time requirements  
6 under sub. (2), the sheriff, the tribal chief of police or other person in charge of a  
7 county facility shall notify the department at least 24 hours before releasing a  
8 probationer ~~or~~, parolee or person on community supervision under this subsection.

9 **SECTION 109.** 302.335 (4) of the statutes is amended to read:

10 302.335 (4) This section applies to probationers ~~or~~, parolees or persons on  
11 community supervision who begin detainment in a county jail, other county facility  
12 or a tribal jail on or after July 1, 1990, except that this section does not apply to any  
13 probationer ~~or~~, parolee or person on community supervision who is in the county jail,  
14 other facility or the tribal jail and serving a sentence.

15 **SECTION 110.** 303.065 (1) of the statutes is renumbered 303.065 (1) (a) and  
16 amended to read:

17 303.065 (1) (a) The Except as provided in par. (b), the department may grant  
18 work release privileges to any person incarcerated within the state prisons, ~~except~~  
19 ~~that no~~.

20 (b) 1. A person serving a life sentence, other than a life sentence specified in  
21 subd. 2., may be considered for work release until only after he or she has reached  
22 parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever is  
23 applicable, ~~and no~~ or he or she has reached his or her community supervision  
24 eligibility date under s. 302.114 (9) (b) or 973.014 (1g) (a) 1. or 2., whichever is  
25 applicable.

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1           2. A person serving a life sentence under s. 939.62 (2m) or 973.014 (1) (c) or (1g)  
2           (a) 3. may not be considered for work release.

3           **SECTION 111.** 303.21 (1) (a) of the statutes, as affected by 1997 Wisconsin Act  
4           3, is amended to read:

5           303.21 (1) (a) If an inmate of a state institution, in the performance of assigned  
6           work is injured so as to be permanently incapacitated or to have materially reduced  
7           earning power, the inmate may, upon being released from such institution, either  
8           upon release on parole or community supervision or upon final discharge, be allowed  
9           and paid such compensation as the department of workforce development finds the  
10          inmate entitled to. The inmate shall be compensated on the same basis as if the  
11          injury had been covered by ch. 102, except that the total paid to any inmate may not  
12          exceed \$10,000 and may be paid in instalments. If the injury results from  
13          employment in a prison industry, the payment shall be made from the revolving  
14          appropriation for its operation. If there is no revolving appropriation, payment shall  
15          be made from the general fund. In case of dispute, the procedure for hearing, award  
16          and appeal shall be as set forth in ss. 102.16 to 102.26.

17          **SECTION 112.** 303.215 of the statutes is amended to read:

18          **303.215 Compensation to prisoners or residents injured in prison**  
19          **industries employment.** In accordance with s. 102.03 (2), for an inmate of a state  
20          institution or a resident subject to s. 303.01 (1) (b) employed under s. 303.06 (2),  
21          compensation under ch. 102 on being released from the applicable institution, on  
22          parole, on community supervision, on final discharge or in accordance with ch. 938,  
23          whichever is applicable, is the exclusive remedy against the department and any  
24          employee of the department for any injury sustained by the inmate or resident while  
25          performing service growing out of and incidental to that employment. The

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1 department shall make any payments required under this section from the revolving  
2 appropriation for the operation of prison industries or, if there is no revolving  
3 appropriation for the operation of prison industries, from the general fund.

4 **SECTION 113.** 304.02 (3) (c) of the statutes is amended to read:

5 304.02 (3) (c) The institution social worker or the probation, community  
6 supervision and parole agent of record has reason to believe the prisoner will be able  
7 to maintain himself or herself in society without engaging in assaultive activity.

8 **SECTION 114.** 304.02 (4) of the statutes is amended to read:

9 304.02 (4) If a person is sentenced under s. 973.032, he or she is eligible for a  
10 release to parole supervision under this section and remains in the intensive  
11 sanctions program unless discharged by the department under s. 301.048 (6) (a).

12 **SECTION 115.** 304.02 (5) of the statutes is amended to read:

13 304.02 (5) Notwithstanding subs. (1) to (3), a prisoner who is serving a life  
14 sentence under s. 939.62 (2m) or 973.014 (1) (c) or (1g) is not eligible for release to  
15 parole supervision under this section.

16 **SECTION 116.** 304.02 (6) of the statutes is created to read:

17 304.02 (6) Notwithstanding subs. (1) to (3), a prisoner is not eligible for release  
18 to parole supervision under this section if he or she is serving a bifurcated sentence  
19 under s. 973.01.

20 **SECTION 117.** 304.06 (1) (b) of the statutes is amended to read:

21 304.06 (1) (b) Except as provided in sub. (1m) or s. 302.045 (3), 961.49 (2),  
22 973.01 (6) or 973.0135, the parole commission may parole an inmate of the Wisconsin  
23 state prisons or any felon or any person serving at least one year or more in a county  
24 house of correction or a county reforestation camp organized under s. 303.07, when  
25 he or she has served 25% of the sentence imposed for the offense, or 6 months,

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1       whichever is greater. Except as provided in s. 939.62 (2m) or 973.014 (1) (b) or (c),  
2       (1g) or (2), the parole commission may parole an inmate serving a life term when he  
3       or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject  
4       to extension using the formulas under s. 302.11 (2). The person serving the life term  
5       shall be given credit for time served prior to sentencing under s. 973.155, including  
6       good time under s. 973.155 (4). The secretary may grant special action parole  
7       releases under s. 304.02. The department or the parole commission shall not provide  
8       any convicted offender or other person sentenced to the department's custody any  
9       parole eligibility or evaluation until the person has been confined at least 60 days  
10      following sentencing.

11           **SECTION 118.** 304.06 (1y) of the statutes is amended to read:

12           304.06 **(1y)** If a person is sentenced under s. 973.032, he or she is eligible for  
13      a release to parole supervision under this section and remains in the intensive  
14      sanctions program unless discharged by the department under s. 301.048 (6) (a).

15           **SECTION 119.** 304.062 (title) of the statutes is amended to read:

16           **304.062** (title)   **Ordering parolees and persons on community**  
17      **supervision to perform community service work.**

18           **SECTION 120.** 304.062 (1) of the statutes is amended to read:

19           304.062 **(1)** The department may order that a parolee or a person on community  
20      supervision perform community service work for a public agency or a nonprofit  
21      charitable organization. An order may apply only if agreed to by the parolee or the  
22      person on community supervision and the organization or agency. The department  
23      shall ensure that the parolee or the person on community supervision is provided a  
24      written statement of the terms of the community service order and shall monitor the

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1 parolee's compliance of the parolee or person on community supervision with the  
2 community service order.

3 **SECTION 121.** 304.062 (2) of the statutes is amended to read:

4 304.062 (2) Any organization or agency acting in good faith to which a parolee  
5 or person on community supervision is assigned under an order under this section  
6 has immunity from any civil liability in excess of \$25,000 for acts or omissions by or  
7 impacting on the parolee or person on community supervision. The department has  
8 immunity from any civil liability for acts or omissions by or impacting on the parolee  
9 or person on community supervision regarding the assignment under this section.

10 **SECTION 122.** 304.063 (title) of the statutes is amended to read:

11 **304.063 (title) Notification prior to release on community supervision**  
12 **or parole.**

13 **SECTION 123.** 304.063 (2) (intro.) of the statutes is amended to read:

14 304.063 (2) (intro.) Before a prisoner is released on parole under s. 302.11,  
15 304.02 or 304.06 or on community supervision under s. 302.113 or 302.114, if  
16 applicable, for a violation of s. 940.01, 940.03, 940.05, 940.225 (1) or (2), 948.02 (1)  
17 or (2), 948.025, 948.06 or 948.07, the department shall make a reasonable effort to  
18 notify all of the following persons, if they can be found, in accordance with sub. (3)  
19 and after receiving a completed card under sub. (4):

20 **SECTION 124.** 304.063 (3) of the statutes is amended to read:

21 304.063 (3) The department shall make a reasonable effort to send the notice,  
22 postmarked at least 7 days before a prisoner is released on parole or community  
23 supervision, to the last-known address of the persons under sub. (2).

24 **SECTION 125.** 304.071 (2) of the statutes is amended to read:



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1           304.071 (2) If a prisoner is not eligible for parole under s. 939.62 (2m), 961.49  
2           (2), 973.01 (6), 973.014 (1) (c) or (1g) or 973.032 (5), he or she is not eligible for parole  
3           under this section.

4           **SECTION 126.** 304.072 (title) of the statutes is amended to read:

5           **304.072** (title) **Period of probation, community supervision or parole**  
6           **tolled.**

7           **SECTION 127.** 304.072 (1) of the statutes is amended to read:

8           304.072 (1) If the department of corrections in the case of a parolee ~~or~~,  
9           probationer or person on community supervision who is reinstated or waives a  
10          hearing or the division of hearings and appeals in the department of administration  
11          in the case of a hearing determines that a parolee ~~or~~, probationer or person on  
12          community supervision has violated the terms of his or her supervision, the  
13          department or division may toll all or any part of the period of time between the date  
14          of the violation and the date an order of revocation or reinstatement is entered,  
15          subject to credit according to the terms of s. 973.155 for any time the parolee ~~or~~,  
16          probationer or person on community supervision spent confined in connection with  
17          the violation.

18          **SECTION 128.** 304.072 (2) of the statutes is amended to read:

19          304.072 (2) If a parolee ~~or~~, probationer or person on community supervision is  
20          alleged to have violated the terms of his or her supervision but the department or  
21          division determines that the alleged violation was not proven, the period between the  
22          alleged violation and the determination shall be treated as service of the  
23          probationary, community supervision or parole period.

24          **SECTION 129.** 304.072 (3) of the statutes is amended to read:

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1           304.072 (3) Except as provided in s. 973.09 (3) (b), the department preserves  
2 jurisdiction over a probationer ~~or~~, parolee or person on community supervision if it  
3 commences an investigation, issues a violation report or issues an apprehension  
4 request concerning an alleged violation prior to the expiration of the probationer's  
5 ~~or~~, parolee's or person's term of supervision.

6           **SECTION 130.** 304.072 (4) of the statutes is amended to read:

7           304.072 (4) The sentence of a revoked parolee or person on community  
8 supervision resumes running on the day he or she is received at a correctional  
9 institution subject to sentence credit for the period of custody in a jail, correctional  
10 institution or any other detention facility pending revocation according to the terms  
11 of s. 973.155.

12           **SECTION 131.** 304.073 (2) of the statutes is amended to read:

13           304.073 (2) Beginning on January 1, 1996, the department shall charge a fee  
14 to any probationer ~~or~~, parolee or person on community supervision who is under  
15 minimum or administrative supervision and is supervised by the department. The  
16 fee does not apply if the person is supervised by a vendor under s. 301.08 (1) (c) 2.  
17 The department shall set the fee sufficient to cover the cost of supervision. The  
18 department shall collect moneys for the fee charged under this subsection and credit  
19 those moneys to the appropriation account under s. 20.410 (1) (ge).

20           **SECTION 132.** 304.074 (title) of the statutes is amended to read:

21           **304.074 (title) Reimbursement fee for persons on probation and,**  
22 **parole, and community supervision.**

23           **SECTION 133.** 304.074 (2) of the statutes is amended to read:

24           304.074 (2) Beginning on January 1, 1996, the department shall charge a fee  
25 to probationers ~~and~~, parolees and persons on community supervision to partially

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1 reimburse the department for the costs of providing supervision and services. The  
2 department shall set varying rates for probationers and, parolees or persons on  
3 community supervision based on ability to pay and with the goal of receiving at least  
4 \$1 per day, if appropriate, from each probationer and, parolee and person on  
5 community supervision. The department shall not charge a fee while the  
6 probationer or, parolee or person on community supervision is exempt under sub. (3).  
7 The department shall collect moneys for the fees charged under this subsection and  
8 credit those moneys to the appropriation account under s. 20.410 (1) (gf).

9 **SECTION 134.** 304.074 (3) (intro.) of the statutes is amended to read:

10 304.074 (3) (intro.) The department may decide not to charge a fee under sub.  
11 (2) to any probationer or, parolee or person on community supervision while he or she  
12 meets any of the following conditions:

13 **SECTION 135.** 304.074 (3) (d) of the statutes is amended to read:

14 304.074 (3) (d) Has a statement from a physician certifying to the department  
15 that the probationer or, parolee or person on community supervision should be  
16 excused from working for medical reasons.

17 **SECTION 136.** 304.074 (4) of the statutes is amended to read:

18 304.074 (4) The fee under sub. (2) does not apply to any probationer or, parolee  
19 or person on community supervision who is under minimum or administrative  
20 supervision.

21 **SECTION 137.** 304.075 of the statutes is amended to read:

22 **304.075** (title) ~~Probationer and parolee loan~~ **Loan fund for**  
23 **probationers, parolees and persons on community supervision.** The  
24 department shall create a revolving fund out of any moneys in its hands belonging  
25 to probationers and, parolees or persons on community supervision who absconded,

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1 or whose whereabouts are unknown. The fund shall be used to defray the expenses  
2 of clothing, transportation, maintenance and other necessities for probationers and,  
3 parolees and persons on community supervision who are without means to secure  
4 those necessities. All payments made from the fund shall be repaid by probationers  
5 ~~or~~, parolees or persons on community supervision for whose benefit they are made  
6 whenever possible; and any moneys belonging to them so paid into the revolving fund  
7 shall be repaid to them in accordance with law, in case a claim therefor is filed with  
8 the department upon showing the legal right of the claimant to such money.

9 **SECTION 138.** 304.13 (1) (intro.) of the statutes is amended to read:

10 304.13 (1) (intro.) That it shall be competent for the duly constituted judicial  
11 and administrative authorities of a sending state to permit any person convicted of  
12 an offense within the sending state and placed on probation or released on  
13 community supervision or parole to reside in any receiving state while on probation,  
14 community supervision or parole, if:

15 **SECTION 139.** 304.13 (2) of the statutes is amended to read:

16 304.13 (2) That each receiving state will assume the duties of visitation of and  
17 supervision over probationers, persons on community supervision or parolees of any  
18 sending state and in the exercise of those duties will be governed by the same  
19 standards that prevail for its own probationers, persons on community supervision  
20 and parolees.

21 **SECTION 140.** 304.13 (3) of the statutes is amended to read:

22 304.13 (3) That the duly accredited officers of a sending state may at all times  
23 enter a receiving state and there apprehend and retake any person on probation,  
24 community supervision or parole. For that purpose no formalities will be required  
25 other than establishing the authority of the officer and the identity of the person to

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1 be retaken. All legal requirements to obtain extradition of fugitives from justice are  
2 expressly waived on the part of states party hereto, as to such persons. The decision  
3 of the sending state to retake a person on probation, community supervision or parole  
4 shall be conclusive upon and not reviewable within the receiving state; provided,  
5 however, that if at the time when a state seeks to retake a probationer, person on  
6 community supervision or parolee there should be pending against that person  
7 within the receiving state any criminal charge, or that person should be suspected  
8 of having committed within such state a criminal offense, that person shall not be  
9 retaken without the consent of the receiving state until discharged from prosecution  
10 or from imprisonment for such offense.

11 **SECTION 141.** 304.13 (7) of the statutes is amended to read:

12 304.13 (7) That this compact shall continue in force and remain binding upon  
13 such ratifying state until renounced by it. The duties and obligations hereunder of  
14 a renouncing state shall continue as to parolees, persons on community supervision  
15 or probationers residing therein at the time of withdrawal or until finally discharged  
16 by the sending state. Renunciation of this compact shall be by the same authority  
17 which ratified it, by sending 6 months' notice in writing of its intention to withdraw  
18 the compact to the other states party thereto.

19 **SECTION 142.** 304.13 (8) (b) of the statutes is amended to read:

20 304.13 (8) (b) "Sending state" means a party to this compact permitting its  
21 probationers, persons on community supervision and parolees to reside in a receiving  
22 state.

23 **SECTION 143.** 304.135 of the statutes is amended to read:

24 **304.135 (title) Out-of-state parolee supervision of parolees and**  
25 **persons on community supervision without compact.** The department may

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1 permit any person convicted of an offense within this state and placed on probation  
2 or released on community supervision or parole to reside in any other state not a  
3 party to the compact authorized by s. 304.13 whenever the authorities of the  
4 receiving state agree to assume the duties of visitation of and supervision over the  
5 probationer, person on community supervision or parolee, governed by the same  
6 standards that prevail for its own probationers, persons on community supervision  
7 and parolees, on the same terms as are provided in s. 304.13 (1) and (2) in the case  
8 of states signatory to the compact. Before permitting any probationer, person on  
9 community supervision or parolee to leave this state under this section, the  
10 department shall obtain from him or her a signed agreement to return to this state  
11 upon demand of the department and an irrevocable waiver of all procedure  
12 incidental to extradition. The department may, in like manner, receive for  
13 supervision probationers, persons on community supervision and parolees convicted  
14 in states not signatory to the compact, and shall have the same custody and control  
15 of those persons as it has over probationers, persons on community supervision and  
16 parolees of this state.

17 **SECTION 144.** 304.137 of the statutes is amended to read:

18 **304.137 Determination concerning submission of human biological**  
19 **specimen.** If the department accepts supervision of a probationer, person on  
20 community supervision or parolee from another state under s. 304.13 or 304.135, the  
21 department shall determine whether the violation of law for which the person is on  
22 probation, community supervision or parole is comparable to a violation of s. 940.225  
23 (1) or (2), 948.02 (1) or (2) or 948.025. If the department determines that a person  
24 on probation, community supervision or parole from another state violated a law that  
25 is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the

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1 department shall direct the probationer, person on community supervision or  
2 parolee to provide a biological specimen under s. 165.76.

3 **SECTION 145.** 304.14 of the statutes is amended to read:

4 **304.14 (title) Cooperative return of parole, community supervision and**  
5 **probation violators.** The secretary may deputize any person regularly employed  
6 by another state to act as an officer and agent of this state in effecting the return of  
7 any person who has violated the terms and conditions of parole, community  
8 supervision or probation as granted by this state. In any matter relating to the  
9 return of such person, any agent so deputized shall have all the powers of a police  
10 officer of this state. Any deputization pursuant to this section shall be in writing and  
11 any person authorized to act as an agent under this section shall carry formal  
12 evidence of the deputization and shall produce the same upon demand.

13 **SECTION 146.** 341.605 (3) of the statutes is amended to read:

14 341.605 (3) Whoever violates sub. (1) or (2) may be fined not more than \$5,000  
15 or imprisoned for not more than ~~5~~ 7 years and 6 months, or both, for each violation.

16 **SECTION 147.** 342.06 (2) of the statutes is amended to read:

17 342.06 (2) Any person who knowingly makes a false statement in an  
18 application for a certificate of title may be fined not more than \$5,000 or imprisoned  
19 not more than ~~5~~ 7 years and 6 months or both.

20 **SECTION 148.** 342.065 (4) (b) of the statutes is amended to read:

21 342.065 (4) (b) Any person who violates sub. (1) with intent to defraud may be  
22 fined not more than \$5,000 or imprisoned for not more than ~~5~~ 7 years and 6 months  
23 or both.

24 **SECTION 149.** 342.155 (4) (b) of the statutes is amended to read:

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1           342.155 (4) (b) Any person who violates this section with intent to defraud may  
2 be fined not more than \$5,000 or imprisoned for not more than ~~5~~ 7 years and 6 months  
3 or both.

4           **SECTION 150.** 342.156 (6) (b) of the statutes is amended to read:

5           342.156 (6) (b) Any person who violates this section with intent to defraud may  
6 be fined not more than \$5,000 or imprisoned for not more than ~~5~~ 7 years and 6 months  
7 or both.

8           **SECTION 151.** 342.30 (3) (a) of the statutes is amended to read:

9           342.30 (3) (a) Any person who violates sub. (1) may be fined not more than  
10 \$5,000 or imprisoned for not more than ~~5~~ 7 years and 6 months or both.

11          **SECTION 152.** 342.32 (3) of the statutes is amended to read:

12          342.32 (3) Whoever violates sub. (1) or (2) may be fined not more than \$5,000  
13 or imprisoned for not more than ~~5~~ 7 years and 6 months, or both, for each violation.

14          **SECTION 153.** 343.06 (1) (i) of the statutes is amended to read:

15          343.06 (1) (i) To any person who has been convicted of any offense specified  
16 under ss. 940.225, 948.02, 948.025 and 948.07 or adjudged delinquent under ch. 938  
17 for a like or similar offense, when the sentencing court makes a finding that issuance  
18 of a license will be inimical to the public safety and welfare. The prohibition against  
19 issuance of a license to the offenders shall apply immediately upon receipt of a record  
20 of the conviction and the court finding by the secretary, for a period of one year or  
21 until discharge from any jail or prison sentence or any period of probation,  
22 community supervision or parole with respect to the offenses specified, whichever  
23 date is the later. Receipt by the offender of a certificate of discharge from the  
24 department of corrections or other responsible supervising agency, after one year has  
25 elapsed since the prohibition began, entitles the holder to apply for an operator's



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1 license. The applicant may be required to present the certificate of discharge to the  
2 secretary if the latter deems it necessary.

3 **SECTION 154.** 343.30 (2d) of the statutes is amended to read:

4 343.30 (2d) A court may suspend or revoke a person's operating privilege upon  
5 conviction of any offense specified under ss. 940.225, 948.02, 948.025 and 948.07, if  
6 the court finds that it is inimical to the public safety and welfare for the offender to  
7 have operating privileges. The suspension or revocation shall be for one year or until  
8 discharge from prison or jail sentence or probation, community supervision or parole  
9 with respect to the offenses specified, whichever date is later. Receipt of a certificate  
10 of discharge from the department of corrections or other responsible supervising  
11 agency, after one year has elapsed since the suspension or revocation, entitles the  
12 holder to reinstatement of operating privileges. The holder may be required to  
13 present the certificate to the secretary if the secretary deems necessary.

14 **SECTION 155.** 346.17 (3) (a) of the statutes is amended to read:

15 346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.  
16 346.04 (3) shall be fined not less than \$300 nor more than \$10,000 and may be  
17 imprisoned for not more than ~~2~~ 3 years.

18 **SECTION 156.** 346.17 (3) (b) of the statutes is amended to read:

19 346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),  
20 to another, or causes damage to the property of another, as defined in s. 939.22 (28),  
21 the person shall be fined not less than \$500 nor more than \$10,000 and may be  
22 imprisoned for not more than ~~2~~ 3 years.

23 **SECTION 157.** 346.17 (3) (c) of the statutes is amended to read:

**SENATE BILL 233****SECTION 157**

1           346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22  
2 (14), to another, the person shall be fined not less than \$600 nor more than \$10,000  
3 and may be imprisoned for not more than ~~2~~ 3 years.

4           **SECTION 158.** 346.17 (3) (d) of the statutes is amended to read:

5           346.17 (3) (d) If the violation results in the death of another, the person shall  
6 be fined not less than \$600 nor more than \$10,000 and may be imprisoned for not  
7 more than ~~5~~ 7 years and 6 months.

8           **SECTION 159.** 346.65 (5) of the statutes is amended to read:

9           346.65 (5) Except as provided in sub. (5m), any person violating s. 346.62 (4)  
10 shall be fined not less than \$600 nor more than \$2,000 and may be imprisoned for  
11 not less than 90 days nor more than ~~18~~ 2 years and 3 months.

12           **SECTION 160.** 346.74 (5) (b) of the statutes is amended to read:

13           346.74 (5) (b) Shall be fined not less than \$300 nor more than \$5,000 or  
14 imprisoned not less than 10 days nor more than ~~one year~~ 2 years or both if the  
15 accident involved injury to a person but the person did not suffer great bodily harm.

16           **SECTION 161.** 346.74 (5) (c) of the statutes is amended to read:

17           346.74 (5) (c) May be fined not more than \$10,000 or imprisoned not more than  
18 ~~2~~ 3 years or both if the accident involved injury to a person and the person suffered  
19 great bodily harm.

20           **SECTION 162.** 346.74 (5) (d) of the statutes is amended to read:

21           346.74 (5) (d) May be fined not more than \$10,000 or imprisoned not more than  
22 ~~5~~ 7 years and 6 months or both if the accident involved death to a person.

23           **SECTION 163.** 563.14 (2) of the statutes is amended to read:

24           563.14 (2) The supervising member and member responsible for the proper  
25 utilization of gross receipts are active members of the applicant organization who,

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1 subject to ss. 111.321, 111.322 and 111.335, have never been convicted of a felony or,  
2 if convicted, have received a pardon or have been released from parole, community  
3 supervision or probation for at least 5 years.

4 **SECTION 164.** 563.27 (1) of the statutes is amended to read:

5 563.27 (1) Subject to ss. 111.321, 111.322 and 111.335, a person convicted of a  
6 felony who has not received a pardon or has not been released from parole,  
7 community supervision or probation for at least 5 years.

8 **SECTION 165.** 563.51 (29) (b) of the statutes is amended to read:

9 563.51 (29) (b) Subject to ss. 111.321, 111.322 and 111.335, has never been  
10 convicted of a felony or, if convicted, has been pardoned or released from probation,  
11 community supervision or parole for at least 5 years.

12 **SECTION 166.** 801.50 (5) of the statutes is amended to read:

13 801.50 (5) Venue of an action to review a probation, community supervision or  
14 parole revocation or a refusal of parole by certiorari shall be the county in which the  
15 relator was last convicted of an offense for which the relator was on probation,  
16 community supervision or parole or for which the relator is currently incarcerated.

17 **SECTION 167.** 938.183 (2) (b) of the statutes is amended to read:

18 938.183 (2) (b) When a juvenile who is subject to a criminal penalty under par.  
19 (a) attains the age of 17 years, the department may place the juvenile in a state prison  
20 named in s. 302.01. A juvenile who is subject to a criminal penalty under par. (a) for  
21 an act committed before July 1, 1998, is eligible for parole under s. 304.06.

22 **SECTION 168.** 938.78 (2) (d) 5. of the statutes is amended to read:

23 938.78 (2) (d) 5. On parole under s. 302.11 or ch. 304 or on community  
24 supervision under s. 302.113 or 302.114.

25 **SECTION 169.** 938.991 (1) of the statutes is amended to read:

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1           938.991 (1) ARTICLE I - FINDINGS AND PURPOSES. That juveniles who are not  
2 under proper supervision and control, or who have absconded, escaped or run away,  
3 are likely to endanger their own health, morals and welfare, and the health, morals  
4 and welfare of others. The cooperation of the states party to this compact is therefore  
5 necessary to provide for the welfare and protection of juveniles and of the public with  
6 respect to (1) cooperative supervision of delinquent juveniles on probation,  
7 community supervision or parole; (2) the return, from one state to another, of  
8 delinquent juveniles who have escaped or absconded; (3) the return, from one state  
9 to another, of nondelinquent juveniles who have run away from home; and (4)  
10 additional measures for the protection of juveniles and of the public, which any 2 or  
11 more of the party states may find desirable to undertake cooperatively. In carrying  
12 out the provisions of this compact the party states shall be guided by the noncriminal,  
13 reformatory and protective policies which guide their laws concerning delinquent,  
14 neglected or dependent juveniles generally. It shall be the policy of the states party  
15 to this compact to cooperate and observe their respective responsibilities for the  
16 prompt return and acceptance of juveniles and delinquent juveniles who become  
17 subject to the provisions of this compact. The provisions of this compact shall be  
18 reasonably and liberally construed to accomplish the foregoing purposes.

19           **SECTION 170.** 938.991 (3) (c) of the statutes is amended to read:

20           938.991 (3) (c) "Probation, community supervision or parole" means any kind  
21 of conditional release of juveniles authorized under the laws of the states party  
22 hereto.

23           **SECTION 171.** 938.991 (5) (a) of the statutes is amended to read:

24           938.991 (5) (a) That the appropriate person or authority from whose probation,  
25 community supervision or parole supervision a delinquent juvenile has absconded

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1 or from whose institutional custody the delinquent juvenile has escaped shall  
2 present to the appropriate court or to the executive authority of the state where the  
3 delinquent juvenile is alleged to be located a written requisition for the return of the  
4 delinquent juvenile. The requisition shall state the name and age of the delinquent  
5 juvenile, the particulars of that person's adjudication as a delinquent juvenile, the  
6 circumstances of the breach of the terms of the delinquent juvenile's probation,  
7 community supervision or parole or of the delinquent juvenile's escape from an  
8 institution or agency vested with legal custody or supervision of the delinquent  
9 juvenile, and the location of the delinquent juvenile, if known, at the time the  
10 requisition is made. The requisition shall be verified by affidavit, shall be executed  
11 in duplicate, and shall be accompanied by 2 certified copies of the judgment, formal  
12 adjudication, or order of commitment which subjects the delinquent juvenile to  
13 probation, community supervision or parole or to the legal custody of the institution  
14 or agency concerned. Further affidavits and other documents as may be deemed  
15 proper may be submitted with the requisition. One copy of the requisition shall be  
16 filed with the compact administrator of the demanding state, there to remain on file  
17 subject to the provisions of law governing records of the appropriate court. Upon the  
18 receipt of a requisition demanding the return of a delinquent juvenile who has  
19 absconded or escaped, the court or the executive authority to whom the requisition  
20 is addressed shall issue an order to any peace officer or other appropriate person  
21 directing that person to take into custody and detain the delinquent juvenile. The  
22 detention order must substantially recite the facts necessary to the validity of its  
23 issuance hereunder. No delinquent juvenile detained upon a detention order shall  
24 be delivered over to the officer whom the appropriate person or authority demanding  
25 the delinquent juvenile shall have appointed to receive the delinquent juvenile,

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1 unless the delinquent juvenile shall first be taken forthwith before a judge of an  
2 appropriate court in the state, who shall inform the delinquent juvenile of the  
3 demand made for the return of the delinquent juvenile and who may appoint counsel  
4 or guardian ad litem for the delinquent juvenile. If the judge shall find that the  
5 requisition is in order, the judge shall deliver the delinquent juvenile over to the  
6 officer whom the appropriate person or authority demanding shall have appointed  
7 to receive the delinquent juvenile. The judge, however, may fix a reasonable time to  
8 be allowed for the purpose of testing the legality of the proceeding.

9 **SECTION 172.** 938.991 (5) (am) of the statutes is amended to read:

10 938.991 (5) (am) Upon reasonable information that a person is a delinquent  
11 juvenile who has absconded while on probation, community supervision or parole,  
12 or escaped from an institution or agency vested with legal custody or supervision of  
13 the person in any state party to this compact, the person may be taken into custody  
14 in any other state party to this compact without a requisition. In that event, the  
15 person must be taken forthwith before a judge of the appropriate court, who may  
16 appoint counsel or guardian ad litem for the person and who shall determine, after  
17 a hearing, whether sufficient cause exists to hold the person subject to the order of  
18 the court for a time, not exceeding 90 days, as will enable the person's detention  
19 under a detention order issued on a requisition pursuant to this subsection. If, at  
20 the time when a state seeks the return of a delinquent juvenile who has either  
21 absconded while on probation, community supervision or parole or escaped from an  
22 institution or agency vested with legal custody or supervision of the delinquent  
23 juvenile, there is pending in the state wherein the delinquent juvenile is detained  
24 any criminal charge or any proceeding to have the delinquent juvenile adjudicated  
25 a delinquent juvenile for an act committed in that state, or if the delinquent juvenile

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1 is suspected of having committed within such state a criminal offense or an act of  
2 juvenile delinquency, the delinquent juvenile shall not be returned without the  
3 consent of that state until discharged from prosecution or other form of proceeding,  
4 imprisonment, detention or supervision for such offense or juvenile delinquency. The  
5 duly accredited officers of any state party to this compact, upon the establishment  
6 of the officers' authority and the identity of the delinquent juvenile being returned,  
7 shall be permitted to transport the delinquent juvenile through any and all states  
8 party to this compact, without interference. Upon the return of the delinquent  
9 juvenile to the state from which the delinquent juvenile escaped or absconded, the  
10 delinquent juvenile shall be subject to such further proceedings as may be  
11 appropriate under the laws of that state.

12 **SECTION 173.** 938.991 (6) of the statutes is amended to read:

13 938.991 (6) ARTICLE VI - VOLUNTARY RETURN PROCEDURE. That any delinquent  
14 juvenile who has absconded while on probation, community supervision or parole,  
15 or escaped from an institution or agency vested with legal custody or supervision of  
16 the delinquent juvenile in any state party to this compact, and any juvenile who has  
17 run away from any state party to this compact, who is taken into custody without a  
18 requisition in another state party to this compact under sub. (4) (a) or (5) (a), may  
19 consent to his or her immediate return to the state from which the juvenile or  
20 delinquent juvenile absconded, escaped or ran away. Consent shall be given by the  
21 juvenile or delinquent juvenile and his or her counsel or guardian ad litem, if any,  
22 by executing or subscribing a writing, in the presence of a judge of the appropriate  
23 court, which states that the juvenile or delinquent juvenile and his or her counsel or  
24 guardian ad litem, if any, consent to the return of the juvenile or delinquent juvenile  
25 to the demanding state. Before the consent shall be executed or subscribed, however,

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1 the judge, in the presence of counsel or guardian ad litem, if any, shall inform the  
2 juvenile or delinquent juvenile of his or her rights under this compact. When the  
3 consent has been duly executed, it shall be forwarded to and filed with the compact  
4 administrator of the state in which the court is located and the judge shall direct the  
5 officer having the juvenile or delinquent juvenile in custody to deliver the juvenile  
6 or delinquent juvenile to the duly accredited officer or officers of the state demanding  
7 the return of the juvenile or delinquent juvenile, and shall cause to be delivered to  
8 the officer or officers a copy of the consent. The court may, however, upon the request  
9 of the state to which the juvenile or delinquent juvenile is being returned, order the  
10 juvenile or delinquent juvenile to return unaccompanied to that state and shall  
11 provide the juvenile or delinquent juvenile with a copy of the court order; in that  
12 event a copy of the consent shall be forwarded to the compact administrator of the  
13 state to which the juvenile or delinquent juvenile is ordered to return.

14 **SECTION 174.** 938.991 (7) (title) of the statutes is amended to read:

15 938.991 (7) (title) ARTICLE VII - COOPERATIVE SUPERVISION OF PROBATIONERS,  
16 PERSONS ON COMMUNITY SUPERVISION AND PAROLEES.

17 **SECTION 175.** 938.991 (7) (a) of the statutes is amended to read:

18 938.991 (7) (a) That the duly constituted judicial and administrative  
19 authorities of a state party to this compact (herein called "sending state") may permit  
20 any delinquent juvenile within such state, placed on probation, community  
21 supervision or parole, to reside in any other state party to this compact (herein called  
22 "receiving state") while on probation, community supervision or parole, and the  
23 receiving state shall accept such delinquent juvenile, if the parent, guardian or  
24 person entitled to the legal custody of such delinquent juvenile is residing or  
25 undertakes to reside within the receiving state. Before granting such permission,



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1 opportunity shall be given to the receiving state to make such investigations as it  
2 deems necessary. The authorities of the sending state shall send to the authorities  
3 of the receiving state copies of pertinent court orders, social case studies and all other  
4 available information which may be of value to and assist the receiving state in  
5 supervising a probationer ~~or~~, parolee or person under community supervision under  
6 this compact. A receiving state, in its discretion, may agree to accept supervision of  
7 a probationer ~~or~~, parolee or person under community supervision in cases where the  
8 parent, guardian or person entitled to legal custody of the delinquent juvenile is not  
9 a resident of the receiving state, and if so accepted the sending state may transfer  
10 supervision accordingly.

11 **SECTION 176.** 938.991 (7) (b) of the statutes is amended to read:

12 938.991 (7) (b) That each receiving state will assume the duties of visitation  
13 and of supervision over any such delinquent juvenile and in the exercise of those  
14 duties will be governed by the same standards of visitation and supervision that  
15 prevail for its own delinquent juveniles released on probation, community  
16 supervision or parole.

17 **SECTION 177.** 938.991 (7) (c) of the statutes is amended to read:

18 938.991 (7) (c) That, after consultation between the appropriate authorities of  
19 the sending state and of the receiving state as to the desirability and necessity of  
20 returning such a delinquent juvenile, the duly accredited officers of a sending state  
21 may enter a receiving state and there apprehend and retake any such delinquent  
22 juvenile on probation, community supervision or parole. For that purpose, no  
23 formalities will be required, other than establishing the authority of the officer and  
24 the identity of the delinquent juvenile to be retaken and returned. The decision of  
25 the sending state to retake a delinquent juvenile on probation, community

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1 supervision or parole shall be conclusive upon and not reviewable within the  
2 receiving state, but if, at the time the sending state seeks to retake a delinquent  
3 juvenile on probation, community supervision or parole, there is pending against the  
4 delinquent juvenile within the receiving state any criminal charge or any proceeding  
5 to have the delinquent juvenile adjudicated a delinquent juvenile for any act  
6 committed in that state, or if the delinquent juvenile is suspected of having  
7 committed within that state a criminal offense or an act of juvenile delinquency, the  
8 delinquent juvenile shall not be returned without the consent of the receiving state  
9 until discharged from prosecution or other form of proceeding, imprisonment,  
10 detention or supervision for such offense or juvenile delinquency. The duly  
11 accredited officers of the sending state shall be permitted to transport delinquent  
12 juveniles being so returned through any and all states party to this compact, without  
13 interference.

14 **SECTION 178.** 938.991 (14) of the statutes is amended to read:

15 938.991 (14) ARTICLE XIV - RENUNCIATION. That this compact shall continue in  
16 force and remain binding upon each executing state until renounced by it.  
17 Renunciation of this compact shall be by the same authority which executed it, by  
18 sending 6 months notice in writing of its intention to withdraw from the compact to  
19 the other states party hereto. The duties and obligations of a renouncing state under  
20 sub. (7) shall continue as to parolees and, probationers and persons on community  
21 supervision residing therein at the time of withdrawal until retaken or finally  
22 discharged. Supplementary agreements entered into under sub. (10) shall be subject  
23 to renunciation as provided by such supplementary agreements, and shall not be  
24 subject to the 6 months' renunciation notice of the present Article.

25 **SECTION 179.** 938.993 (2) of the statutes is amended to read:

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1           938.993 (2) The compact administrator shall determine for this state whether  
2           to receive juvenile probationers ~~and~~, parolees and persons on community  
3           supervision of other states under s. 938.991 (7) and shall arrange for the supervision  
4           of each such probationer ~~or~~, parolee or person on community supervision received,  
5           either by the department or by a person appointed to perform supervision service for  
6           the court assigned to exercise jurisdiction under this chapter and ch. 48 for the  
7           county where the juvenile is to reside, whichever is more convenient. Those persons  
8           shall in all such cases make periodic reports to the compact administrator regarding  
9           the conduct and progress of the juveniles.

10           **SECTION 180.** 939.50 (3) (b) of the statutes is amended to read:

11           939.50 (3) (b) For a Class B felony, imprisonment not to exceed 40 60 years.

12           **SECTION 181.** 939.50 (3) (bc) of the statutes is amended to read:

13           939.50 (3) (bc) For a Class BC felony, a fine not to exceed \$10,000 or  
14           imprisonment not to exceed 20 30 years, or both.

15           **SECTION 182.** 939.50 (3) (c) of the statutes is amended to read:

16           939.50 (3) (c) For a Class C felony, a fine not to exceed \$10,000 or imprisonment  
17           not to exceed 10 15 years, or both.

18           **SECTION 183.** 939.50 (3) (d) of the statutes is amended to read:

19           939.50 (3) (d) For a Class D felony, a fine not to exceed \$10,000 or imprisonment  
20           not to exceed 5 10 years, or both.

21           **SECTION 184.** 939.50 (3) (e) of the statutes is amended to read:

22           939.50 (3) (e) For a Class E felony, a fine not to exceed \$10,000 or imprisonment  
23           not to exceed 2 5 years, or both.

24           **SECTION 185.** 939.62 (2m) (b) of the statutes is amended to read:

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1           939.62 (2m) (b) The actor is a persistent repeater if he or she has been convicted  
2 of a serious felony on 2 or more separate occasions at any time preceding the serious  
3 felony for which he or she presently is being sentenced under ch. 973, which  
4 convictions remain of record and unreversed and, that of the 2 or more previous  
5 convictions, at least one conviction must have occurred before the date of violation  
6 of at least one of the other felonies for which the actor was previously convicted. It  
7 is immaterial that the sentence for a previous conviction was stayed, withheld or  
8 suspended, or that he or she was pardoned, unless the pardon was granted on the  
9 ground of innocence. The term of imprisonment for the felony for which the  
10 persistent repeater presently is being sentenced under ch. 973 is life imprisonment  
11 without the possibility of parole or community supervision.

12           **SECTION 186.** 940.20 (2m) (title) of the statutes is amended to read:

13           940.20 (2m) (title) BATTERY TO PROBATION, COMMUNITY SUPERVISION AND PAROLE  
14 AGENTS AND AFTERCARE AGENTS.

15           **SECTION 187.** 940.20 (2m) (a) 2. of the statutes is amended to read:

16           940.20 (2m) (a) 2. "Probation, community supervision and parole agent" means  
17 any person authorized by the department of corrections to exercise control over a  
18 probationer or, parolee or person on community supervision.

19           **SECTION 188.** 940.20 (2m) (b) of the statutes is amended to read:

20           940.20 (2m) (b) Whoever intentionally causes bodily harm to a probation,  
21 community supervision and parole agent or an aftercare agent, acting in an official  
22 capacity and the person knows or has reason to know that the victim is a probation,  
23 community supervision and parole agent or an aftercare agent, by an act done  
24 without the consent of the person so injured, is guilty of a Class D felony.

25           **SECTION 189.** 942.06 (2m) (a) of the statutes is amended to read:

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1           942.06 (2m) (a) An employe or agent of the department of corrections who  
2           conducts a lie detector test of a probationer ~~or~~, parolee or person on community  
3           supervision under the rules promulgated under s. 301.132.

4           **SECTION 190.** 942.06 (2q) (a) (intro.) of the statutes is amended to read:

5           942.06 (2q) (a) (intro.) An employe or agent of the department of corrections  
6           who discloses, to any of the following, the fact that a probationer ~~or~~, parolee or person  
7           on community supervision has had a lie detector test under the rules promulgated  
8           under s. 301.132 or the results of such a lie detector test:

9           **SECTION 191.** 946.42 (1) (a) of the statutes is amended to read:

10          946.42 (1) (a) "Custody" includes without limitation actual custody of an  
11          institution, including a secured correctional facility, as defined in s. 938.02 (15m), a  
12          secured child caring institution, as defined in s. 938.02 (15g), a secure detention  
13          facility, as defined in s. 938.02 (16), a Type 2 child caring institution, as defined in  
14          s. 938.02 (19r), or a juvenile portion of a county jail, or of a peace officer or institution  
15          guard and constructive custody of prisoners and juveniles subject to an order under  
16          s. 48.366, 938.183, 938.34 (4d), (4h) or (4m) or 938.357 (4) or (5) (e) temporarily  
17          outside the institution whether for the purpose of work, school, medical care, a leave  
18          granted under s. 303.068, a temporary leave or furlough granted to a juvenile or  
19          otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the  
20          county to which the prisoner was transferred after conviction. It does not include the  
21          custody of a probationer ~~or~~, parolee or person on community supervision by the  
22          department of corrections or a probation, community supervision or parole officer or  
23          the custody of a person who has been released to aftercare supervision under ch. 938  
24          unless the person is in actual custody or is subject to a confinement order under s.  
25          973.09 (4).

**SENATE BILL 233****SECTION 192**

1           **SECTION 192.** 946.46 of the statutes is amended to read:

2           **946.46** (title) **Encouraging violation of probation, community**  
3 **supervision or parole.** Whoever intentionally aids or encourages a parolee or,  
4 probationer or person on community supervision or any person committed to the  
5 custody or supervision of the department of corrections or a county department  
6 under s. 46.215, 46.22 or 46.23 by reason of crime or delinquency to abscond or violate  
7 a term or condition of parole, community supervision or probation is guilty of a Class  
8 A misdemeanor.

9           **SECTION 193.** 950.045 of the statutes, as affected by 1995 Wisconsin Act 440,  
10 is amended to read:

11           **950.045 Victims; application for parole or pardon; releases; escapes;**  
12 **corrections programs.** Victims of crimes have the right to provide written  
13 statements concerning parole applications under s. 304.06 (1) (e), to have direct input  
14 in the parole decision-making process under s. 304.06 (1) (em) and to provide written  
15 statements concerning pardon applications under s. 304.10 (2). Victims of crimes  
16 have the right to be notified by district attorneys under s. 971.17 (4m) regarding  
17 conditional releases under s. 971.17. Victims of crimes have the right to be notified  
18 by the department of health and family services under s. 971.17 (6m) regarding  
19 terminations or discharges under s. 971.17. Victims of crimes have the right to be  
20 notified by the department of corrections under s. 301.046 (4) regarding community  
21 residential confinements, under s. 301.048 (4m) regarding participation in the  
22 intensive sanctions program, under s. 301.38 regarding escapes from a Type 1  
23 prison, under s. 302.115 regarding the expiration of sentences and under s. 304.063  
24 regarding community supervision and parole releases. Victims of acts of sexual  
25 violence have the right to be notified by the department of health and family services

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1 under s. 980.11 regarding supervised releases under s. 980.06 and discharges under  
2 s. 980.09 or 980.10. Victims have the right to be notified of the registration of a person  
3 and the update of information regarding that person under s. 301.46. Victims of  
4 crimes have the right to be sent a copy of an inmate's petition for community  
5 supervision and to be notified of the hearing on that petition under s. 302.114 (6).

6 **SECTION 194.** 961.41 (1) (a) of the statutes is amended to read:

7 961.41 (1) (a) Except as provided in par. (d), a controlled substance included  
8 in schedule I or II which is a narcotic drug, or a controlled substance analog of a  
9 controlled substance included in schedule I or II which is a narcotic drug, may be  
10 fined not more than \$25,000 or imprisoned for not more than ~~15~~ 22 years and 6  
11 months or both.

12 **SECTION 195.** 961.41 (1) (b) of the statutes is amended to read:

13 961.41 (1) (b) Except as provided in pars. (cm) and (e) to (h), any other  
14 controlled substance included in schedule I, II or III, or a controlled substance analog  
15 of any other controlled substance included in schedule I or II, may be fined not more  
16 than \$15,000 or imprisoned for not more than ~~5~~ 7 years and 6 months or both.

17 **SECTION 196.** 961.41 (1) (cm) 1. of the statutes is amended to read:

18 961.41 (1) (cm) 1. Five grams or less, the person shall be fined not more than  
19 \$500,000 and may be imprisoned for not more than ~~10~~ 15 years.

20 **SECTION 197.** 961.41 (1) (cm) 2. of the statutes is amended to read:

21 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person  
22 shall be fined not more than \$500,000 and shall be imprisoned for not less than one  
23 year nor more than ~~15~~ 22 years and 6 months.

24 **SECTION 198.** 961.41 (1) (cm) 3. of the statutes is amended to read:

**SENATE BILL 233****SECTION 198**

1           961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person  
2 shall be fined not more than \$500,000 and shall be imprisoned for not less than 3  
3 years nor more than ~~20~~ 30 years.

4           **SECTION 199.** 961.41 (1) (cm) 4. of the statutes is amended to read:

5           961.41 (1) (cm) 4. More than 40 grams but not more than 100 grams, the person  
6 shall be fined not more than \$500,000 and shall be imprisoned for not less than 5  
7 years nor more than ~~30~~ 45 years.

8           **SECTION 200.** 961.41 (1) (cm) 5. of the statutes is amended to read:

9           961.41 (1) (cm) 5. More than 100 grams, the person shall be fined not more than  
10 \$500,000 and shall be imprisoned for not less than 10 years nor more than ~~30~~ 45  
11 years.

12           **SECTION 201.** 961.41 (1) (d) 1. of the statutes is amended to read:

13           961.41 (1) (d) 1. Three grams or less, the person shall be fined not less than  
14 \$1,000 nor more than \$200,000 and may be imprisoned for not more than ~~15~~ 22 years  
15 and 6 months.

16           **SECTION 202.** 961.41 (1) (d) 2. of the statutes is amended to read:

17           961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person  
18 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned  
19 for not less than 6 months nor more than ~~15~~ 22 years and 6 months.

20           **SECTION 203.** 961.41 (1) (d) 3. of the statutes is amended to read:

21           961.41 (1) (d) 3. More than 10 grams but not more than 50 grams, the person  
22 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
23 for not less than one year nor more than ~~15~~ 22 years and 6 months.

24           **SECTION 204.** 961.41 (1) (d) 4. of the statutes is amended to read:



**SENATE BILL 233**

1           961.41 (1) (d) 4. More than 50 grams but not more than 200 grams, the person  
2 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
3 for not less than 3 years nor more than ~~15~~ 22 years and 6 months.

4           **SECTION 205.** 961.41 (1) (d) 5. of the statutes is amended to read:

5           961.41 (1) (d) 5. More than 200 grams but not more than 400 grams, the person  
6 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
7 for not less than 5 years nor more than ~~15~~ 22 years and 6 months.

8           **SECTION 206.** 961.41 (1) (d) 6. of the statutes is amended to read:

9           961.41 (1) (d) 6. More than 400 grams, the person shall be fined not less than  
10 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years  
11 nor more than ~~30~~ 45 years.

12          **SECTION 207.** 961.41 (1) (e) 1. of the statutes is amended to read:

13          961.41 (1) (e) 1. Three grams or less, the person shall be fined not less than  
14 \$1,000 nor more than \$200,000 and may be imprisoned for not more than ~~5~~ 7 years  
15 and 6 months.

16          **SECTION 208.** 961.41 (1) (e) 2. of the statutes is amended to read:

17          961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person  
18 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned  
19 for not less than 6 months nor more than ~~5~~ 7 years and 6 months.

20          **SECTION 209.** 961.41 (1) (e) 3. of the statutes is amended to read:

21          961.41 (1) (e) 3. More than 10 grams but not more than 50 grams, the person  
22 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
23 for not less than one year nor more than ~~15~~ 22 years and 6 months.

24          **SECTION 210.** 961.41 (1) (e) 4. of the statutes is amended to read:

**SENATE BILL 233****SECTION 210**

1           961.41 (1) (e) 4. More than 50 grams but not more than 200 grams, the person  
2 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
3 for not less than 3 years nor more than ~~15~~ 22 years and 6 months.

4           **SECTION 211.** 961.41 (1) (e) 5. of the statutes is amended to read:

5           961.41 (1) (e) 5. More than 200 grams but not more than 400 grams, the person  
6 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
7 for not less than 5 years nor more than ~~15~~ 22 years and 6 months.

8           **SECTION 212.** 961.41 (1) (e) 6. of the statutes is amended to read:

9           961.41 (1) (e) 6. More than 400 grams, the person shall be fined not less than  
10 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years  
11 nor more than ~~30~~ 45 years.

12           **SECTION 213.** 961.41 (1) (f) 1. of the statutes is amended to read:

13           961.41 (1) (f) 1. One gram or less, the person shall be fined not less than \$1,000  
14 nor more than \$200,000 and may be imprisoned for not more than ~~5~~ 7 years and 6  
15 months.

16           **SECTION 214.** 961.41 (1) (f) 2. of the statutes is amended to read:

17           961.41 (1) (f) 2. More than one gram but not more than 5 grams, the person shall  
18 be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned for not  
19 less than 6 months nor more than ~~5~~ 7 years and 6 months.

20           **SECTION 215.** 961.41 (1) (f) 3. of the statutes is amended to read:

21           961.41 (1) (f) 3. More than 5 grams, the person shall be fined not less than  
22 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year  
23 nor more than ~~15~~ 22 years and 6 months.

24           **SECTION 216.** 961.41 (1) (g) 1. of the statutes is amended to read:

**SENATE BILL 233****SECTION 216**

1           961.41 (1) (g) 1. One hundred grams or less, the person shall be fined not less  
2           than \$1,000 nor more than \$200,000 and may be imprisoned for not more than ~~5~~ 7  
3           years and 6 months.

4           **SECTION 217.** 961.41 (1) (g) 2. of the statutes is amended to read:

5           961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person  
6           shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned  
7           for not less than 6 months nor more than ~~5~~ 7 years and 6 months.

8           **SECTION 218.** 961.41 (1) (g) 3. of the statutes is amended to read:

9           961.41 (1) (g) 3. More than 500 grams, the person shall be fined not less than  
10          \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year  
11          nor more than ~~15~~ 22 years and 6 months.

12          **SECTION 219.** 961.41 (1) (h) 1. of the statutes is amended to read:

13          961.41 (1) (h) 1. Five hundred grams or less, or 10 or fewer plants containing  
14          tetrahydrocannabinols, the person shall be fined not less than \$500 nor more than  
15          \$25,000 and may be imprisoned for not more than ~~3~~ 4 years and 6 months.

16          **SECTION 220.** 961.41 (1) (h) 2. of the statutes is amended to read:

17          961.41 (1) (h) 2. More than 500 grams but not more than 2,500 grams, or more  
18          than 10 plants containing tetrahydrocannabinols but not more than 50 plants  
19          containing tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor  
20          more than \$50,000 and shall be imprisoned for not less than 3 months nor more than  
21          ~~5~~ 7 years and 6 months.

22          **SECTION 221.** 961.41 (1) (h) 3. of the statutes is amended to read:

23          961.41 (1) (h) 3. More than 2,500 grams, or more than 50 plants containing  
24          tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than

**SENATE BILL 233****SECTION 221**

1 \$100,000 and shall be imprisoned for not less than one year nor more than ~~10~~ 15  
2 years.

3 **SECTION 222.** 961.41 (1) (i) of the statutes is amended to read:

4 961.41 (1) (i) A substance included in schedule IV, may be fined not more than  
5 \$10,000 or imprisoned for not more than ~~3~~ 4 years and 6 months or both.

6 **SECTION 223.** 961.41 (1) (j) of the statutes is amended to read:

7 961.41 (1) (j) A substance included in schedule V, may be fined not more than  
8 \$5,000 or imprisoned for not more than ~~one year~~ 2 years or both.

9 **SECTION 224.** 961.41 (1m) (a) of the statutes is amended to read:

10 961.41 (1m) (a) Except as provided in par. (d), a controlled substance included  
11 in schedule I or II which is a narcotic drug or a controlled substance analog of a  
12 controlled substance included in schedule I or II which is a narcotic drug, may be  
13 fined not more than \$25,000 or imprisoned for not more than ~~15~~ 22 years and 6  
14 months or both.

15 **SECTION 225.** 961.41 (1m) (b) of the statutes is amended to read:

16 961.41 (1m) (b) Except as provided in pars. (cm) and (e) to (h), any other  
17 controlled substance included in schedule I, II or III, or a controlled substance analog  
18 of any other controlled substance included in schedule I or II, may be fined not more  
19 than \$15,000 or imprisoned for not more than ~~5~~ 7 years and 6 months or both.

20 **SECTION 226.** 961.41 (1m) (cm) 1. of the statutes is amended to read:

21 961.41 (1m) (cm) 1. Five grams or less, the person shall be fined not more than  
22 \$500,000 and may be imprisoned for not more than ~~10~~ 15 years.

23 **SECTION 227.** 961.41 (1m) (cm) 2. of the statutes is amended to read:

**SENATE BILL 233****SECTION 227**

1           961.41 **(1m)** (cm) 2. More than 5 grams but not more than 15 grams, the person  
2 shall be fined not more than \$500,000 and shall be imprisoned for not less than one  
3 year nor more than ~~15~~ 22 years and 6 months.

4           **SECTION 228.** 961.41 (1m) (cm) 3. of the statutes is amended to read:

5           961.41 **(1m)** (cm) 3. More than 15 grams but not more than 40 grams, the  
6 person shall be fined not more than \$500,000 and shall be imprisoned for not less  
7 than 3 years nor more than ~~20~~ 30 years.

8           **SECTION 229.** 961.41 (1m) (cm) 4. of the statutes is amended to read:

9           961.41 **(1m)** (cm) 4. More than 40 grams but not more than 100 grams, the  
10 person shall be fined not more than \$500,000 and shall be imprisoned for not less  
11 than 5 years nor more than ~~30~~ 45 years.

12          **SECTION 230.** 961.41 (1m) (cm) 5. of the statutes is amended to read:

13          961.41 **(1m)** (cm) 5. More than 100 grams, the person shall be fined not more  
14 than \$500,000 and shall be imprisoned for not less than 10 years nor more than ~~30~~  
15 45 years.

16          **SECTION 231.** 961.41 (1m) (d) 1. of the statutes is amended to read:

17          961.41 **(1m)** (d) 1. Three grams or less, the person shall be fined not less than  
18 \$1,000 nor more than \$100,000 and may be imprisoned for not more than ~~15~~ 22 years  
19 and 6 months.

20          **SECTION 232.** 961.41 (1m) (d) 2. of the statutes is amended to read:

21          961.41 **(1m)** (d) 2. More than 3 grams but not more than 10 grams, the person  
22 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned  
23 for not less than 6 months nor more than ~~15~~ 22 years and 6 months.

24          **SECTION 233.** 961.41 (1m) (d) 3. of the statutes is amended to read:

**SENATE BILL 233****SECTION 233**

1           961.41 (1m) (d) 3. More than 10 grams but not more than 50 grams, the person  
2 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
3 for not less than one year nor more than ~~15~~ 22 years and 6 months.

4           **SECTION 234.** 961.41 (1m) (d) 4. of the statutes is amended to read:

5           961.41 (1m) (d) 4. More than 50 grams but not more than 200 grams, the person  
6 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
7 for not less than 3 years nor more than ~~15~~ 22 years and 6 months.

8           **SECTION 235.** 961.41 (1m) (d) 5. of the statutes is amended to read:

9           961.41 (1m) (d) 5. More than 200 grams but not more than 400 grams, the  
10 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be  
11 imprisoned for not less than 5 years nor more than ~~15~~ 22 years and 6 months.

12          **SECTION 236.** 961.41 (1m) (d) 6. of the statutes is amended to read:

13          961.41 (1m) (d) 6. More than 400 grams, the person shall be fined not less than  
14 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years  
15 nor more than ~~30~~ 45 years.

16          **SECTION 237.** 961.41 (1m) (e) 1. of the statutes is amended to read:

17          961.41 (1m) (e) 1. Three grams or less, the person shall be fined not less than  
18 \$1,000 nor more than \$100,000 and may be imprisoned for not more than ~~5~~ 7 years  
19 and 6 months.

20          **SECTION 238.** 961.41 (1m) (e) 2. of the statutes is amended to read:

21          961.41 (1m) (e) 2. More than 3 grams but not more than 10 grams, the person  
22 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned  
23 for not less than 6 months nor more than ~~5~~ 7 years and 6 months.

24          **SECTION 239.** 961.41 (1m) (e) 3. of the statutes is amended to read:

**SENATE BILL 233**

1           961.41 (1m) (e) 3. More than 10 grams but not more than 50 grams, the person  
2 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
3 for not less than one year nor more than ~~15~~ 22 years and 6 months.

4           **SECTION 240.** 961.41 (1m) (e) 4. of the statutes is amended to read:

5           961.41 (1m) (e) 4. More than 50 grams but not more than 200 grams, the person  
6 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned  
7 for not less than 3 years nor more than ~~15~~ 22 years and 6 months.

8           **SECTION 241.** 961.41 (1m) (e) 5. of the statutes is amended to read:

9           961.41 (1m) (e) 5. More than 200 grams but not more than 400 grams, the  
10 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be  
11 imprisoned for not less than 5 years nor more than ~~15~~ 22 years and 6 months.

12          **SECTION 242.** 961.41 (1m) (e) 6. of the statutes is amended to read:

13          961.41 (1m) (e) 6. More than 400 grams, the person shall be fined not less than  
14 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years  
15 nor more than ~~30~~ 45 years.

16          **SECTION 243.** 961.41 (1m) (f) 1. of the statutes is amended to read:

17          961.41 (1m) (f) 1. One gram or less, the person shall be fined not less than  
18 \$1,000 nor more than \$100,000 and may be imprisoned for not more than ~~5~~ 7 years  
19 and 6 months.

20          **SECTION 244.** 961.41 (1m) (f) 2. of the statutes is amended to read:

21          961.41 (1m) (f) 2. More than one gram but not more than 5 grams, the person  
22 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned  
23 for not less than 6 months nor more than ~~5~~ 7 years and 6 months.

24          **SECTION 245.** 961.41 (1m) (f) 3. of the statutes is amended to read:

**SENATE BILL 233****SECTION 245**

1           961.41 (1m) (f) 3. More than 5 grams, the person shall be fined not less than  
2           \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year  
3           nor more than ~~15~~ 22 years and 6 months.

4           **SECTION 246.** 961.41 (1m) (g) 1. of the statutes is amended to read:

5           961.41 (1m) (g) 1. One hundred grams or less, the person shall be fined not less  
6           than \$1,000 nor more than \$100,000 and may be imprisoned for not more than ~~5~~ 7  
7           years and 6 months.

8           **SECTION 247.** 961.41 (1m) (g) 2. of the statutes is amended to read:

9           961.41 (1m) (g) 2. More than 100 grams but not more than 500 grams, the  
10          person shall be fined not less than \$1,000 nor more than \$200,000 and shall be  
11          imprisoned for not less than 6 months nor more than ~~5~~ 7 years and 6 months.

12          **SECTION 248.** 961.41 (1m) (g) 3. of the statutes is amended to read:

13          961.41 (1m) (g) 3. More than 500 grams, the person shall be fined not less than  
14          \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year  
15          nor more than ~~15~~ 22 years and 6 months.

16          **SECTION 249.** 961.41 (1m) (h) 1. of the statutes is amended to read:

17          961.41 (1m) (h) 1. Five hundred grams or less, or 10 or fewer plants containing  
18          tetrahydrocannabinols, the person shall be fined not less than \$500 nor more than  
19          \$25,000 and may be imprisoned for not more than ~~3~~ 4 years and 6 months.

20          **SECTION 250.** 961.41 (1m) (h) 2. of the statutes is amended to read:

21          961.41 (1m) (h) 2. More than 500 grams but not more than 2,500 grams, or more  
22          than 10 plants containing tetrahydrocannabinols but not more than 50 plants  
23          containing tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor  
24          more than \$50,000 and shall be imprisoned for not less than 3 months nor more than  
25          ~~5~~ 7 years and 6 months.



**SENATE BILL 233**

1           **SECTION 251.** 961.41 (1m) (h) 3. of the statutes is amended to read:

2           961.41 **(1m)** (h) 3. More than 2,500 grams, or more than 50 plants containing  
3 tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than  
4 \$100,000 and shall be imprisoned for not less than one year nor more than ~~10~~ 15  
5 years.

6           **SECTION 252.** 961.41 (1m) (i) of the statutes is amended to read:

7           961.41 **(1m)** (i) A substance included in schedule IV, may be fined not more than  
8 \$10,000 or imprisoned for not more than ~~3~~ 4 years and 6 months or both.

9           **SECTION 253.** 961.41 (1m) (j) of the statutes is amended to read:

10          961.41 **(1m)** (j) A substance included in schedule V, may be fined not more than  
11 \$5,000 or imprisoned for not more than ~~one year~~ 2 years or both.

12          **SECTION 254.** 961.41 (1n) (c) of the statutes is amended to read:

13          961.41 **(1n)** (c) A person who violates par. (a) or (b) may be fined not more than  
14 \$250,000 or imprisoned for not more than ~~10~~ 15 years or both.

15          **SECTION 255.** 961.41 (2) (a) of the statutes is amended to read:

16          961.41 **(2)** (a) A counterfeit substance included in schedule I or II which is a  
17 narcotic drug, may be fined not more than \$25,000 or imprisoned for not more than  
18 ~~15~~ 22 years and 6 months or both.

19          **SECTION 256.** 961.41 (2) (b) of the statutes is amended to read:

20          961.41 **(2)** (b) Any other counterfeit substance included in schedule I, II or III,  
21 may be fined not more than \$15,000 or imprisoned for not more than ~~5~~ 7 years and  
22 6 months or both.

23          **SECTION 257.** 961.41 (2) (c) of the statutes is amended to read:

24          961.41 **(2)** (c) A counterfeit substance included in schedule IV, may be fined not  
25 more than \$10,000 or imprisoned for not more than ~~3~~ 4 years and 6 months or both.

**SENATE BILL 233****SECTION 258**

1           **SECTION 258.** 961.41 (2) (d) of the statutes is amended to read:

2           961.41 **(2)** (d) A counterfeit substance included in schedule V, may be fined not  
3 more than \$5,000 or imprisoned for not more than ~~one year~~ 2 years or both.

4           **SECTION 259.** 961.41 (3g) (a) 1. of the statutes is amended to read:

5           961.41 **(3g)** (a) 1. Except as provided in subd. 2., if the person possesses a  
6 controlled substance included in schedule I or II which is a narcotic drug, or  
7 possesses a controlled substance analog of a controlled substance included in  
8 schedule I or II which is a narcotic drug, the person may, upon a first conviction, be  
9 fined not more than \$5,000 or imprisoned for not more than ~~one year~~ 2 or both, and  
10 for a 2nd or subsequent offense, the person may be fined not more than \$10,000 or  
11 imprisoned for not more than ~~2~~ 3 years or both.

12           **SECTION 260.** 961.41 (3g) (a) 2. of the statutes is amended to read:

13           961.41 **(3g)** (a) 2. If the person possesses or attempts to possess heroin or a  
14 controlled substance analog of heroin, the person may be fined not more than \$5,000  
15 or imprisoned for not more than ~~one year~~ 2 years or both.

16           **SECTION 261.** 961.41 (4) (am) 3. of the statutes is amended to read:

17           961.41 **(4)** (am) 3. A person convicted of violating this paragraph may be fined  
18 not more than \$5,000 or imprisoned for not more than ~~one year~~ 2 years or both.

19           **SECTION 262.** 961.42 (2) of the statutes is amended to read:

20           961.42 **(2)** Any person who violates this section may be fined not more than  
21 \$25,000 or imprisoned not more than ~~one year~~ 2 years or both.

22           **SECTION 263.** 961.43 (2) of the statutes is amended to read:

23           961.43 **(2)** Any person who violates this section may be fined not more than  
24 \$30,000 or imprisoned not more than ~~4~~ 6 years or both.

25           **SECTION 264.** 961.455 (1) of the statutes is amended to read:

**SENATE BILL 233****SECTION 264**

1           961.455 (1) Any person who has attained the age of 17 years who knowingly  
2           solicits, hires, directs, employs or uses a person who is 17 years of age or under for  
3           the purpose of violating s. 961.41 (1) may be fined not more than \$50,000 or  
4           imprisoned for not more than ~~10~~ 15 years or both.

5           **SECTION 265.** 961.49 (2) (a) of the statutes is amended to read:

6           961.49 (2) (a) Except as provided in par. (b), if any person violates s. 961.41 (1)  
7           by delivering or distributing, or violates s. 961.41 (1m) by possessing with intent to  
8           deliver or distribute, a controlled substance included in schedule I or II or a  
9           controlled substance analog of a controlled substance included in schedule I or II  
10          while in or on the premises of a scattered-site public housing project, while in or on  
11          or otherwise within 1,000 feet of a state, county, city, village or town park, a jail or  
12          correctional facility, a multiunit public housing project, a swimming pool open to  
13          members of the public, a youth center or a community center, while in or on or  
14          otherwise within 1,000 feet of any private or public school premises or while in or on  
15          or otherwise within 1,000 feet of a school bus, as defined in s. 340.01 (56), the court  
16          shall sentence the person to at least 3 years in prison, but otherwise the penalties  
17          for the crime apply. Except as provided in s. 961.438, the court shall not place the  
18          person on probation. The Except as provided in s. 973.01 (6), the person is not eligible  
19          for parole until he or she has served at least 3 years, with no modification by the  
20          calculation under s. 302.11 (1).

21          **SECTION 266.** 961.49 (2) (b) of the statutes is amended to read:

22          961.49 (2) (b) If the conduct described in par. (a) involves only the delivery or  
23          distribution, or the possession with intent to deliver or distribute, of not more than  
24          25 grams of tetrahydrocannabinols, included in s. 961.14 (4) (t), or not more than 5  
25          plants containing tetrahydrocannabinols, the court shall sentence the person to at

**SENATE BILL 233****SECTION 266**

1 least one year in prison, but otherwise the penalties for the crime apply. Except as  
2 provided in s. 961.438, the court shall not place the person on probation. The Except  
3 as provided in s. 973.01 (6), the person is not eligible for parole until he or she has  
4 served at least one year, with no modification by the calculation under s. 302.11 (1).

5 **SECTION 267.** 969.01 (4) of the statutes is amended to read:

6 969.01 (4) CONSIDERATIONS IN SETTING CONDITIONS OF RELEASE. If bail is imposed,  
7 it shall be only in the amount found necessary to assure the appearance of the  
8 defendant. Conditions of release, other than monetary conditions, may be imposed  
9 for the purpose of protecting members of the community from serious bodily harm  
10 or preventing intimidation of witnesses. Proper considerations in determining  
11 whether to release the defendant without bail, fixing a reasonable amount of bail or  
12 imposing other reasonable conditions of release are: the ability of the arrested person  
13 to give bail, the nature, number and gravity of the offenses and the potential penalty  
14 the defendant faces, whether the alleged acts were violent in nature, the defendant's  
15 prior record of criminal convictions and delinquency adjudications, if any, the  
16 character, health, residence and reputation of the defendant, the character and  
17 strength of the evidence which has been presented to the judge, whether the  
18 defendant is currently on probation, community supervision or parole, whether the  
19 defendant is already on bail or subject to other release conditions in other pending  
20 cases, whether the defendant has been bound over for trial after a preliminary  
21 examination, whether the defendant has in the past forfeited bail or violated a  
22 condition of release or was a fugitive from justice at the time of arrest, and the policy  
23 against unnecessary detention of the defendant's pending trial.

24 **SECTION 268.** 971.11 (1) of the statutes is amended to read:

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1           971.11 (1) Whenever the warden or superintendent receives notice of an  
2 untried criminal case pending in this state against an inmate of a state prison, the  
3 warden or superintendent shall, at the request of the inmate, send by certified mail  
4 a written request to the district attorney for prompt disposition of the case. The  
5 request shall state the sentence then being served, the date of parole eligibility, if  
6 applicable, or the date of release to community supervision, the approximate  
7 discharge or conditional release date, and prior decision relating to parole. If there  
8 has been no preliminary examination on the pending case, the request shall state  
9 whether the inmate waives such examination, and, if so, shall be accompanied by a  
10 written waiver signed by the inmate.

11           **SECTION 269.** 972.13 (6) of the statutes is amended to read:

12           972.13 (6) The following forms may be used for judgments:

13           STATE OF WISCONSIN

14           .... County

15           In.... Court

16           The State of Wisconsin

17           vs.

18           ....(Name of defendant)

19           UPON ALL THE FILES, RECORDS AND PROCEEDINGS,

20           IT IS ADJUDGED That the defendant has been convicted upon the defendant's  
21 plea of guilty (not guilty and a verdict of guilty) (not guilty and a finding of guilty)  
22 (no contest) on the.... day of..., 19.., of the crime of.... in violation of s.....; and the  
23 court having asked the defendant whether the defendant has anything to state why  
24 sentence should not be pronounced, and no sufficient grounds to the contrary being  
25 shown or appearing to the court.

**SENATE BILL 233**

**SECTION 269**

1           \*IT IS ADJUDGED That the defendant is guilty as convicted.

2           \*IT IS ADJUDGED That the defendant is hereby committed to the Wisconsin  
3 state prisons (county jail of... county) for an indeterminate term of not more than....

4           \*IT IS ADJUDGED That the defendant is ordered to serve a bifurcated  
5 sentence consisting of .... year(s) of confinement in prison and .... months/years of  
6 community supervision.

7           \*IT IS ADJUDGED That the defendant is placed in the intensive sanctions  
8 program subject to the limitations of section 973.032 (3) of the Wisconsin Statutes  
9 and the following conditions:....

10          \*IT IS ADJUDGED That the defendant is hereby committed to detention in  
11 (the defendant's place of residence or place designated by judge) for a term of not  
12 more than....

13          \*IT IS ADJUDGED That the defendant is ordered to pay a fine of \$.... (and the  
14 costs of this action).

15          \*IT IS ADJUDGED That the defendant pay restitution to....

16          \*IT IS ADJUDGED That the defendant is restricted in his or her use of  
17 computers as follows:....

18          \*The.... at.... is designated as the Reception Center to which the defendant  
19 shall be delivered by the sheriff.

20          \*IT IS ORDERED That the clerk deliver a duplicate original of this judgment  
21 to the sheriff who shall forthwith execute the same and deliver it to the warden.

22          Dated this.... day of..., 19...

23          BY THE COURT....

24          Date of Offense....,

25          District Attorney....,

**SENATE BILL 233**

1 Defense Attorney....

2 \*Strike inapplicable paragraphs.

3 STATE OF WISCONSIN

4 .... County

5 In.... Court

6 The State of Wisconsin

7 vs.

8 ....(Name of defendant)

9 On the.... day of...., 19.., the district attorney appeared for the state and the  
10 defendant appeared in person and by... the defendant's attorney.

11 UPON ALL THE FILES, RECORDS AND PROCEEDINGS

12 IT IS ADJUDGED That the defendant has been found not guilty by the verdict  
13 of the jury (by the court) and is therefore ordered discharged forthwith.

14 Dated this.... day of...., 19...

15 BY THE COURT....

16 **SECTION 270.** 972.15 (5) (intro.) of the statutes is amended to read:

17 972.15 (5) (intro.) The department may use the presentence investigation  
18 report for correctional programming, parole consideration or care and treatment of  
19 any person sentenced to imprisonment or the intensive sanctions program, placed  
20 on probation, released on parole or community supervision or committed to the  
21 department under ch. 51 or 971 or any other person in the custody of the department  
22 or for research purposes. The department may make the report available to other  
23 agencies or persons to use for purposes related to correctional programming, parole  
24 consideration, care and treatment, or research. Any use of the report under this  
25 subsection is subject to the following conditions:

**SENATE BILL 233****SECTION 271**

1           **SECTION 271.** 973.01 of the statutes is created to read:

2           **973.01 Bifurcated sentence of imprisonment and community**  
3 **supervision. (1) BIFURCATED SENTENCE REQUIRED.** Except as provided in sub. (3),  
4 whenever a court sentences a person to imprisonment in the Wisconsin state prisons  
5 for a felony committed on or after July 1, 1998, the court shall impose a bifurcated  
6 sentence that consists of a term of confinement in prison followed by a term of  
7 community supervision under s. 302.113.

8           **(2) STRUCTURE OF BIFURCATED SENTENCES.** The court shall ensure that a  
9 bifurcated sentence imposed under sub. (1) complies with all of the following:

10           (a) *Total length of bifurcated sentence.* Except as provided in par. (c), the total  
11 length of the bifurcated sentence may not exceed the maximum period of  
12 imprisonment for the felony.

13           (b) *Imprisonment portion of bifurcated sentence.* The portion of the bifurcated  
14 sentence that imposes a term of confinement in prison may not be less than one year,  
15 subject to any minimum sentence prescribed for the felony, and, except as provided  
16 in par. (c), may not exceed whichever of the following is applicable:

17           1. For a Class B felony, the term of confinement in prison may not exceed 40  
18 years.

19           2. For a Class BC felony, the term of confinement in prison may not exceed 20  
20 years.

21           3. For a Class C felony, the term of confinement in prison may not exceed 10  
22 years.

23           4. For a Class D felony, the term of confinement in prison may not exceed 5  
24 years.



**SENATE BILL 233**

1           5. For a Class E felony, the term of confinement in prison may not exceed 2  
2 years.

3           6. For any felony other than a felony specified in subds. 1. to 5., the term of  
4 confinement in prison may not exceed 75% of the total length of the bifurcated  
5 sentence.

6           (c) *Penalty enhancement.* The maximum term of confinement in prison  
7 specified in par. (b) may be increased by any applicable penalty enhancement. If the  
8 maximum term of confinement in prison specified in par. (b) is increased under this  
9 paragraph, the total length of the bifurcated sentence that may be imposed is  
10 increased by the same amount.

11           (d) *Minimum term of community supervision.* The term of community  
12 supervision that follows the term of confinement in prison may not be less than 25%  
13 of the length of the term of confinement in prison imposed under par. (b).

14           **(3) NOT APPLICABLE TO LIFE SENTENCES.** If a person is being sentenced for a felony  
15 that is punishable by life imprisonment, he or she is not subject to this section but  
16 shall be sentenced under s. 973.014 (1g).

17           **(4) NO GOOD TIME; EXTENSION OF TERM OF IMPRISONMENT.** A person sentenced to  
18 a bifurcated sentence under sub. (1) shall serve the term of confinement in prison  
19 portion of the sentence without reduction for good behavior. The term of confinement  
20 in prison portion is subject to extension under s. 302.113 (3). When the court imposes  
21 a bifurcated sentence under sub. (1), the court shall inform the person of the  
22 requirements of this subsection and s. 302.113 (3).

23           **(5) COMMUNITY SUPERVISION CONDITIONS.** Whenever the court imposes a  
24 bifurcated sentence under sub. (1), the court may impose conditions upon the term  
25 of community supervision.

**SENATE BILL 233****SECTION 271**

1           **(6) NO PAROLE.** A person serving a bifurcated sentence imposed under sub. (1)  
2 is not eligible for release on parole.

3           **(7) NO DISCHARGE.** The department of corrections may not discharge a person  
4 who is serving a bifurcated sentence from custody, control and supervision until the  
5 person has served the entire bifurcated sentence, including any periods of extension  
6 imposed under s. 302.113 (3).

7           **SECTION 272.** 973.013 (1) (b) of the statutes is amended to read:

8           973.013 (1) (b) The Except as provided in s. 973.01, the sentence shall have the  
9 effect of a sentence at hard labor for the maximum term fixed by the court, subject  
10 to the power of actual release from confinement by parole by the department or by  
11 pardon as provided by law. If a person is sentenced for a definite time for an offense  
12 for which the person may be sentenced under this section, the person is in legal effect  
13 sentenced as required by this section, said definite time being the maximum period.  
14 A defendant convicted of a crime for which the minimum penalty is life shall be  
15 sentenced for life.

16           **SECTION 273.** 973.013 (2) of the statutes is amended to read:

17           973.013 (2) Upon the recommendation of the department, the governor may,  
18 without the procedure required by ch. 304, discharge absolutely, or upon such  
19 conditions and restrictions and under such limitation as the governor thinks proper,  
20 any inmate committed to the Wisconsin state prisons after he or she has served the  
21 minimum term of punishment prescribed by law for the offense for which he or she  
22 was sentenced, except that if the term was life imprisonment, 5 years must elapse  
23 after release on parole or community supervision before such a recommendation can  
24 be made to the governor. The discharge has the effect of an absolute or conditional  
25 pardon, respectively.

**SENATE BILL 233**

1           **SECTION 274.** 973.0135 (2) (intro.) of the statutes is amended to read:

2           973.0135 (2) (intro.) Except as provided in sub. (3), when a court sentences a  
3 prior offender to imprisonment in a state prison for a serious felony committed on or  
4 after April 21, 1994, but before July 1, 1998, the court shall make a parole eligibility  
5 determination regarding the person and choose one of the following options:

6           **SECTION 275.** 973.014 (title) of the statutes is amended to read:

7           **973.014** (title) **Sentence of life imprisonment; parole eligibility**  
8 **determination; community supervision eligibility determination.**

9           **SECTION 276.** 973.014 (1) (intro.) of the statutes is amended to read:

10          973.014 (1) (intro.) Except as provided in sub. (2), when a court sentences a  
11 person to life imprisonment for a crime committed on or after July 1, 1988, but before  
12 July 1, 1998, the court shall make a parole eligibility determination regarding the  
13 person and choose one of the following options:

14          **SECTION 277.** 973.014 (1) (c) of the statutes is amended to read:

15          973.014 (1) (c) The person is not eligible for parole. This paragraph applies only  
16 if the court sentences a person for a crime committed on or after August 31, 1995, but  
17 before July 1, 1998.

18          **SECTION 278.** 973.014 (1g) of the statutes is created to read:

19          973.014 (1g) (a) Except as provided in sub. (2), when a court sentences a person  
20 to life imprisonment for a crime committed on or after July 1, 1998, the court shall  
21 make a community supervision eligibility date determination regarding the person  
22 and choose one of the following options:

23            1. The person is eligible for release to community supervision after serving 20  
24 years.

**SENATE BILL 233****SECTION 278**

1           2. The person is eligible for release to community supervision on a date set by  
2 the court. Under this subdivision, the court may set any later date than that  
3 provided in subd. 1., but may not set a date that occurs before the earliest possible  
4 date under subd. 1.

5           3. The person is not eligible for release to community supervision.

6           (b) When sentencing a person to life imprisonment under par. (a), the court  
7 shall inform the person of the provisions of s. 302.114 (3) and the procedure for  
8 petitioning under s. 302.114 (5) for release to community supervision.

9           (c) A person sentenced to life imprisonment under par. (a) is not eligible for  
10 release on parole.

11           **SECTION 279.** 973.014 (2) of the statutes is amended to read:

12           973.014 (2) When a court sentences a person to life imprisonment under s.  
13 939.62 (2m), the court shall provide that the sentence is without the possibility of  
14 parole or community supervision.

15           **SECTION 280.** 973.032 (5) of the statutes is amended to read:

16           973.032 (5) (title) PAROLE OR COMMUNITY SUPERVISION RESTRICTIONS. A person  
17 sentenced under sub. (1) is eligible for parole, except as provided in ss. 302.11, 304.02  
18 and 304.06, or is eligible for release to community supervision, whichever is  
19 applicable.

20           **SECTION 281.** 973.10 (1) of the statutes is amended to read:

21           973.10 (1) Imposition of probation shall have the effect of placing the defendant  
22 in the custody of the department and shall subject the defendant to the control of the  
23 department under conditions set by the court and rules and regulations established  
24 by the department for the supervision of probationers and, parolees and persons on  
25 community supervision.

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1           **SECTION 282.** 973.15 (2) (b) of the statutes is amended to read:

2           973.15 (2) (b) The court may not impose a sentence to the intensive sanctions  
3 program consecutive to any other sentence. The court may not impose a sentence to  
4 the intensive sanctions program concurrent with a sentence imposing  
5 imprisonment, except that the court may impose a sentence to the program  
6 concurrent with an imposed and stayed imprisonment sentence or with a prison  
7 sentence for which the offender has been released on community supervision or  
8 parole. The court may impose concurrent intensive sanctions program sentences.  
9 The court may impose an intensive sanctions program sentence concurrent to  
10 probation. The court may impose any sentence for an escape from a sentence to the  
11 intensive sanctions program concurrent with the sentence to the intensive sanctions  
12 program.

13           **SECTION 283.** 973.15 (6) of the statutes is amended to read:

14           973.15 (6) Sections 302.11 and 304.06 are applicable to an inmate serving a  
15 sentence to the Wisconsin state prisons for a crime committed before July 1, 1998,  
16 but confined in a federal institution or an institution in another state.

17           **SECTION 284.** 973.155 (1) (b) of the statutes is amended to read:

18           973.155 (1) (b) The categories in par. (a) include custody of the convicted  
19 offender which is in whole or in part the result of a probation, community supervision  
20 or parole hold under s. 304.06 (3) or 973.10 (2) placed upon the person for the same  
21 course of conduct as that resulting in the new conviction.

22           **SECTION 285.** 973.155 (2) of the statutes is amended to read:

23           973.155 (2) After the imposition of sentence, the court shall make and enter a  
24 specific finding of the number of days for which sentence credit is to be granted,  
25 which finding shall be included in the judgment of conviction. In the case of

**SENATE BILL 233****SECTION 285**

1 revocation of probation, community supervision or parole, the department, if the  
2 hearing is waived, or the division of hearings and appeals in the department of  
3 administration, in the case of a hearing, shall make such a finding, which shall be  
4 included in the revocation order.

5 **SECTION 286.** 973.155 (5) of the statutes is amended to read:

6 973.155 (5) If this section has not been applied at sentencing to any person who  
7 is in custody or to any person who is on probation, community supervision or parole,  
8 the person may petition the department to be given credit under this section. Upon  
9 proper verification of the facts alleged in the petition, this section shall be applied  
10 retroactively to the person. If the department is unable to determine whether credit  
11 should be given, or otherwise refuses to award retroactive credit, the person may  
12 petition the sentencing court for relief. This subsection applies to any person,  
13 regardless of the date he or she was sentenced.

14 **SECTION 287.** 973.20 (1r) of the statutes is amended to read:

15 973.20 (1r) When imposing sentence or ordering probation for any crime for  
16 which the defendant was convicted, the court, in addition to any other penalty  
17 authorized by law, shall order the defendant to make full or partial restitution under  
18 this section to any victim of a crime considered at sentencing or, if the victim is  
19 deceased, to his or her estate, unless the court finds substantial reason not to do so  
20 and states the reason on the record. Restitution ordered under this section is a  
21 condition of probation, community supervision or parole served by the defendant for  
22 a crime for which the defendant was convicted. After the termination of probation,  
23 community supervision or parole, or if the defendant is not placed on probation,  
24 community supervision or parole, restitution ordered under this section is

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1 enforceable in the same manner as a judgment in a civil action by the victim named  
2 in the order to receive restitution or enforced under ch. 785.

3 **SECTION 288.** 973.20 (10) of the statutes is amended to read:

4 973.20 (10) The court may require that restitution be paid immediately, within  
5 a specified period or in specified instalments. If the defendant is placed on probation  
6 or sentenced to imprisonment, the end of a specified period shall not be later than  
7 the end of any period of probation, community supervision or parole. If the defendant  
8 is sentenced to the intensive sanctions program, the end of a specified period shall  
9 not be later than the end of the sentence under s. 973.032 (3) (a).

10 **SECTION 289.** 975.10 (1) of the statutes is amended to read:

11 975.10 (1) Any person committed as provided in this chapter may be paroled  
12 if it appears to the satisfaction of the department of health and family services after  
13 recommendation by a special review board, appointed by the department, a majority  
14 of whose members shall not be connected with the department, that the person is  
15 capable of making an acceptable adjustment in society. Before a person is released  
16 on parole under this section, the department of health and family services shall so  
17 notify the municipal police department and county sheriff for the area where the  
18 person will be residing. The notification requirement does not apply if a municipal  
19 department or county sheriff submits to the department of health and family services  
20 a written statement waiving the right to be notified. Probation, community  
21 supervision and parole agents of the department of corrections shall supervise  
22 persons paroled under this section.

23 **SECTION 290.** 976.03 (3) of the statutes is amended to read:

24 976.03 (3) FORM OF DEMAND. No demand for the extradition of a person charged  
25 with a crime in another state shall be recognized by the governor unless in writing

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1 alleging, except in cases arising under sub. (6), that the accused was present in the  
2 demanding state at the time of the commission of the alleged crime, and that  
3 thereafter the accused fled from the state, and accompanied by a copy of an  
4 indictment found or by an information supported by affidavit in the state having  
5 jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there,  
6 together with a copy of any warrant which was issued thereon; or by a copy of a  
7 judgment of conviction or of a sentence imposed in execution thereof, together with  
8 a statement by the executive authority of the demanding state that the person  
9 claimed has escaped from confinement or has broken the terms of the person's bail,  
10 probation, community supervision or parole. The indictment, information or  
11 affidavit made before the magistrate must substantially charge the person  
12 demanded with having committed a crime under the law of that state; and the copy  
13 of indictment, information, affidavit, judgment of conviction or sentence must be  
14 authenticated by the executive authority making the demand.

15 **SECTION 291.** 976.03 (13) of the statutes is amended to read:

16 976.03 (13) ARREST PRIOR TO REQUISITION. Whenever any person within this  
17 state shall be charged on the oath of any credible person before any judge of this state  
18 with the commission of any crime in any other state and, except in cases arising  
19 under sub. (6), with having fled from justice, or with having been convicted of a crime  
20 in that state and having escaped from confinement, or having broken the terms of  
21 his or her bail, probation, community supervision or parole, or whenever complaint  
22 shall have been made before any judge in this state setting forth on the affidavit of  
23 any credible person in another state that a crime has been committed in such other  
24 state and that the accused has been charged in such state with the commission of the  
25 crime, and, except in cases arising under sub. (6), has fled from justice, or with having



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1 been convicted of a crime in that state and having escaped from confinement, or  
2 having broken the terms of his or her bail, probation, community supervision or  
3 parole, and is believed to be in this state, the judge shall issue a warrant directed to  
4 any peace officer commanding the officer to apprehend the person named therein,  
5 wherever the person may be found in this state, and to bring the person before the  
6 same or any other judge or court who or which may be available in or convenient of  
7 access to the place where the arrest may be made, to answer the charge or complaint  
8 and affidavit; and a certified copy of the sworn charge or complaint and affidavit upon  
9 which the warrant is issued shall be attached to the warrant.

10 **SECTION 292.** 976.03 (22) of the statutes is amended to read:

11 976.03 (22) FUGITIVES FROM THIS STATE, DUTY OF GOVERNOR. Whenever the  
12 governor of this state shall demand a person charged with crime or with escaping  
13 from confinement or breaking the terms of his or her bail, probation, community  
14 supervision or parole in this state from the executive authority of any other state, or  
15 from the chief justice or an associate justice of the district court of the United States  
16 for the District of Columbia authorized to receive such demand under the laws of the  
17 United States, the governor shall issue a warrant under the seal of this state, to some  
18 agent, commanding the agent to receive the person so charged if delivered to the  
19 agent and convey the person to the proper officer of the county in this state in which  
20 the offense was committed.

21 **SECTION 293.** 976.03 (23) (b) of the statutes is amended to read:

22 976.03 (23) (b) When the return to this state is required of a person who has  
23 been convicted of a crime in this state and has escaped from confinement or broken  
24 the terms of his or her bail, probation, community supervision or parole, the  
25 prosecuting attorney of the county in which the offense was committed, the secretary

**SENATE BILL 233****SECTION 293**

1 of corrections, or the warden of the institution or sheriff of the county from which  
2 escape was made, shall present to the governor a written application for a requisition  
3 for the return of the person, in which application shall be stated the name of the  
4 person, the crime of which the person was convicted, the circumstances of escape  
5 from confinement or of the breach of the terms of bail, probation, community  
6 supervision or parole, and the state in which the person is believed to be, including  
7 the location of the person therein at the time application is made.

8 **SECTION 294.** 976.03 (27) (a) of the statutes is amended to read:

9 976.03 (27) (a) Any person arrested in this state charged with having  
10 committed any crime in another state or alleged to have escaped from confinement,  
11 or broken the terms of his or her bail, probation, community supervision or parole  
12 may waive the issuance and service of the warrant provided for in subs. (7) and (8)  
13 and all other procedure incidental to extradition proceedings, by executing or  
14 subscribing in the presence of a judge of any court of record within this state a writing  
15 which states that the person consents to return to the demanding state; however,  
16 before such waiver shall be executed or subscribed by such person the judge shall  
17 inform such person of the person's rights to the issuance and service of a warrant of  
18 extradition and to commence an action for habeas corpus as provided in sub. (10).

19 **SECTION 295.** 976.05 (3) (a) of the statutes is amended to read:

20 976.05 (3) (a) Whenever a person has entered upon a term of imprisonment in  
21 a penal or correctional institution of a party state, and whenever during the  
22 continuance of the term of imprisonment there is pending in any other party state  
23 any untried indictment, information or complaint on the basis of which a detainer  
24 has been lodged against the prisoner, the prisoner shall be brought to trial within 180  
25 days after the prisoner has caused to be delivered to the prosecuting officer and the

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1 appropriate court of the prosecuting officer's jurisdiction written notice of the place  
2 of his or her imprisonment and his or her request for a final disposition to be made  
3 of the indictment, information or complaint, but for good cause shown in open court,  
4 the prisoner or the prisoner's counsel being present, the court having jurisdiction of  
5 the matter may grant any necessary or reasonable continuance. The request of the  
6 prisoner shall be accompanied by a certificate of the appropriate official having  
7 custody of the prisoner, stating the term of commitment under which the prisoner is  
8 being held, the time already served, the time remaining to be served on the sentence,  
9 the amount of good time earned, the time of parole eligibility or date of release to  
10 community supervision of the prisoner and any decisions of the department relating  
11 to the prisoner.

12 **SECTION 296.** 976.05 (4) (b) of the statutes is amended to read:

13 976.05 (4) (b) Upon receipt of the officer's written request under par. (a), the  
14 appropriate authorities having the prisoner in custody shall furnish the officer with  
15 a certificate stating the term of commitment under which the prisoner is being held,  
16 the time already served, the time remaining to be served on the sentence, the amount  
17 of good time earned, the time of parole eligibility or date of release to community  
18 supervision of the prisoner, and any decisions of the state parole agency relating to  
19 the prisoner. Said authorities simultaneously shall furnish all other officers and  
20 appropriate courts in the receiving state who lodged detainers against the prisoner  
21 with similar certificates and with notices informing them of the request for custody  
22 or availability and of the reasons therefor.

23 **SECTION 297.** 977.05 (6) (h) (intro.) of the statutes is amended to read:

**SENATE BILL 233****SECTION 297**

1           977.05 (6) (h) (intro.) The state public defender may not provide legal services  
2 or assign counsel in parole or community supervision revocation proceedings unless  
3 all of the following apply:

4           **SECTION 298.** 977.05 (6) (h) 1. of the statutes is amended to read:

5           977.05 (6) (h) 1. The parolee or person on community supervision is contesting  
6 the revocation of parole or community supervision.

7           **SECTION 299.** 977.05 (6) (h) 2. of the statutes is amended to read:

8           977.05 (6) (h) 2. The department of corrections seeks to have the parolee or  
9 person on community supervision imprisoned upon the revocation of parole or  
10 community supervision.

11           **SECTION 300.** 978.07 (1) (c) 1. of the statutes is amended to read:

12           978.07 (1) (c) 1. Any case record of a felony punishable by life imprisonment  
13 or a related case, after the defendant's parole eligibility date under s. 304.06 (1) or  
14 973.014 (1) or date of eligibility for release to community supervision under s.  
15 973.014 (1g) (a) 1. or 2., whichever is applicable, or 50 years after the commencement  
16 of the action, whichever occurs later. If there is no parole eligibility date or no date  
17 for release to community supervision, the district attorney may destroy the case  
18 record after the defendant's death.

19           **SECTION 301.** 980.015 (2) (a) of the statutes is amended to read:

20           980.015 (2) (a) The anticipated discharge from a sentence, anticipated release  
21 on parole or community supervision or anticipated release from imprisonment of a  
22 person who has been convicted of a sexually violent offense.

23           **SECTION 302.** 980.02 (1) (b) 2. of the statutes is amended to read:

24           980.02 (1) (b) 2. The county in which the person will reside or be placed upon  
25 his or her discharge from a sentence, release on parole or community supervision,

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1 release from imprisonment, from a secured correctional facility, as defined in s.  
2 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or  
3 from a commitment order.

4 **SECTION 303.** 980.02 (2) (ag) of the statutes is amended to read:

5 980.02 (2) (ag) The person is within 90 days of discharge or release, on parole,  
6 community supervision or otherwise, from a sentence that was imposed for a  
7 conviction for a sexually violent offense, from a secured correctional facility, as  
8 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02  
9 (15g), if the person was placed in the facility for being adjudicated delinquent under  
10 s. 938.34 on the basis of a sexually violent offense or from a commitment order that  
11 was entered as a result of a sexually violent offense.

12 **SECTION 304.** 980.02 (4) (am) of the statutes is amended to read:

13 980.02 (4) (am) The circuit court for the county in which the person will reside  
14 or be placed upon his or her discharge from a sentence, release on parole or  
15 community supervision, release from imprisonment, from a secured correctional  
16 facility, as defined in s. 938.02 (15m), or a secured child caring institution, as defined  
17 in s. 938.02 (15g), or from a commitment order.

18 **SECTION 305. Initial applicability.**

19 (1) INCREASE IN FELONY PENALTIES. The treatment of sections 71.83 (2) (b), 139.44  
20 (1m), (2) and (8) (c), 139.95 (2) and (3), 291.97 (2) (b) (intro.) and (c), 341.605 (3),  
21 342.06 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3),  
22 346.17 (3) (a), (b), (c) and (d), 346.65 (5), 346.74 (5) (b), (c) and (d), 939.50 (3) (b), (bc),  
23 (c), (d) and (e), 961.41 (1) (a), (b), (cm) 1., 2., 3., 4. and 5., (d) 1., 2., 3., 4., 5. and 6., (e)  
24 1., 2., 3., 4., 5. and 6., (f) 1., 2. and 3., (g) 1., 2. and 3., (h) 1., 2. and 3., (i) and (j), (1m)  
25 (a), (b), (cm) 1., 2., 3., 4. and 5., (d) 1., 2., 3., 4., 5. and 6., (e) 1., 2., 3., 4., 5. and 6., (f)

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1 1., 2. and 3., (g) 1., 2. and 3., (h) 1., 2. and 3., (i) and (j), (1n) (c), (2) (a), (b), (c) and (d),  
2 (3g) (a) 1. and 2. and (4) (am) 3., 961.42 (2), 961.43 (2) and 961.455 (1) of the statutes  
3 applies to offenses committed on or after the effective date of this subsection.

4 **SECTION 306. Effective dates.** This act takes effect on the day after  
5 publication, except as follows:

6 (1) INCREASE IN FELONY PENALTIES. The treatment of sections 71.83 (2) (b), 139.44  
7 (1m), (2) and (8) (c), 139.95 (2) and (3), 291.97 (2) (b) (intro.) and (c), 341.605 (3),  
8 342.06 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3),  
9 346.17 (3) (a), (b), (c) and (d), 346.65 (5), 346.74 (5) (b), (c) and (d), 939.50 (3) (b), (bc),  
10 (c), (d) and (e), 961.41 (1) (a), (b), (cm) 1., 2., 3., 4. and 5., (d) 1., 2., 3., 4., 5. and 6., (e)  
11 1., 2., 3., 4., 5. and 6., (f) 1., 2. and 3., (g) 1., 2. and 3., (h) 1., 2. and 3., (i) and (j), (1m)  
12 (a), (b), (cm) 1., 2., 3., 4. and 5., (d) 1., 2., 3., 4., 5. and 6., (e) 1., 2., 3., 4., 5. and 6., (f)  
13 1., 2. and 3., (g) 1., 2. and 3., (h) 1., 2. and 3., (i) and (j), (1n) (c), (2) (a), (b), (c) and (d),  
14 (3g) (a) 1. and 2. and (4) (am) 3., 961.42 (2), 961.43 (2) and 961.455 (1) of the statutes  
15 and SECTION 305 (1) of this act take effect on July 1, 1998.

16 (END)