

State of Wisconsin



1995 Senate Bill 658

Date of enactment: **May 31, 1996**
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1995 WISCONSIN ACT 390

AN ACT to *renumber and amend* 946.42 (4); to *amend* 973.032 (4) (b) and 973.15 (2) (b); and to *create* 946.42 (4) (b) and 973.032 (4) (c) of the statutes; **relating to**: the sentence of a person who escapes from the intensive sanctions program.

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

SECTION 1. 946.42 (4) of the statutes is renumbered 946.42 (4) (a) and amended to read:

946.42 (4) (a) ~~Except as provided in par. (b), a~~ court shall impose a sentence under this section consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when he or she escaped.

SECTION 2. 946.42 (4) (b) of the statutes is created to read:

946.42 (4) (b) If the person escaped while serving a sentence to the intensive sanctions program, a court may impose a sentence under this section concurrent to the sentence to the intensive sanctions program.

SECTION 3. 973.032 (4) (b) of the statutes is amended to read:

973.032 (4) (b) The department may request that the court extend the maximum period provided by the court under sub. (3) (a) or the maximum period provided by the court under sub. (3) (b) or both. Unless a hearing is voluntarily waived by the person, the court shall hold a hearing on the matter. The court may not extend the maximum period of the sentence beyond the amount allowable under sub. (3) (a). The Except as provided in par. (c), the court may not extend the maximum period for

placements under s. 301.048 (3) (a) 1. beyond a total, including the original period and all extensions, of 2 years or two-thirds of the maximum term of imprisonment that could have been imposed on the person, whichever is less.

SECTION 4. 973.032 (4) (c) of the statutes is created to read:

973.032 (4) (c) The court may extend under par. (b) the maximum period for placements under s. 301.048 (3) (a) 1. to a period not exceeding two-thirds of the maximum term of imprisonment that could have been imposed on the person under sub. (3) (a) for his or her sentence to the intensive sanctions program if all of the following apply:

1. The person escaped from a sentence to the intensive sanctions program.
2. The person is sentenced for the escape under s. 946.42 (4) (b) to a sentence of imprisonment concurrent with the sentence to the intensive sanctions program.
3. The sentence under subd. 2. exceeds the total of the maximum period originally provided by the court under sub. (3) (b) for the sentence to the intensive sanctions program and the maximum extensions available under par. (b).

SECTION 5. 973.15 (2) (b) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

973.15 (2) (b) The court may not impose a sentence to the intensive sanctions program consecutive to any other sentence. The court may not impose a sentence to the intensive sanctions program concurrent with a sentence imposing imprisonment, except that the court may impose a sentence to the program concurrent with an imposed and stayed imprisonment sentence or with a prison

sentence for which the offender has been released on parole. The court may impose concurrent intensive sanctions program sentences. The court may impose an intensive sanctions program sentence concurrent to probation. The court may impose any sentence for an escape from a sentence to the intensive sanctions program concurrent with the sentence to the intensive sanctions program.
