



1995 ASSEMBLY BILL 209

March 17, 1995 - Introduced by Representatives GOETSCH, ZIEGELBAUER, AINSWORTH, PORTER, HAHN, OWENS, GARD, MUSSER, DOBYNS, LADWIG, SERATTI, ALBERS and SKINDRUD, cosponsored by Senators DRZEWIECKI and DARLING. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to amend** 973.09 (1) (a); and **to create** 973.10 (5) of the statutes; **relating**
2 **to:** probation.

Analysis by the Legislative Reference Bureau

Under current law, for most criminal offenses, a sentencing court may place the person on probation and set reasonable and appropriate conditions of probation. Recent appellate court decisions have held that a person may refuse to accept probation. This bill provides that a criminal defendant may not reject probation or a probation condition, except that conditions relating to community service are still subject to the defendant's agreement. The bill also specifies that a probationer has no right to revoke probation.

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

3 **SECTION 1.** 973.09 (1) (a) of the statutes is amended to read:
4 973.09 (1) (a) Except as provided in par. (c) or if probation is prohibited for a
5 particular offense by statute, if a person is convicted of a crime, the court, by order,
6 may withhold sentence or impose sentence under s. 973.15 and stay its execution,
7 and in either case place the person on probation to the department for a stated period,
8 stating in the order the reasons therefor. The court may impose any conditions which
9 that appear to be reasonable and appropriate. Except as provided in sub. (7m) (a),

1 the person may not reject probation or any condition of probation. The period of
2 probation may be made consecutive to a sentence on a different charge, whether
3 imposed at the same time or previously. If the court imposes an increased term of
4 probation, as authorized under sub. (2) (a) 2. or (b) 2., it shall place its reasons for
5 doing so on the record.

6 **SECTION 2.** 973.10 (5) of the statutes is created to read:

7 973.10 (5) The probationer may not voluntarily revoke probation or initiate a
8 proceeding under sub. (2).

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to offenses committed on the effective date of this
11 subsection.

12 (END)