



## 1995 ASSEMBLY BILL 367

May 10, 1995 - Introduced by Representatives WIRCH, HUBER, R. YOUNG, TURNER, GRONEMUS, KREUSER, URBAN, AINSWORTH, MEYER and LORGE, cosponsored by Senators ANDREA and ROSENZWEIG. Referred to Committee on Criminal Justice and Corrections.

1     **AN ACT** *to amend* 102.07 (14); and *to create* 304.062 and 973.10 (1m) of the  
2             statutes; **relating to:** community service work performed by probationers and  
3             parolees.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a court may order, as a condition of probation, that a probationer perform community service work for a public agency or a nonprofit charitable organization if the probationer and the agency or organization agree. An organization or agency that acts in good faith has immunity from civil liability in excess of \$25,000 regarding the probationer's acts or omissions. This bill provides the department of corrections (DOC) with similar authority to order probationers and parolees to perform community service work. DOC may make the order only if the probationer and the agency or organization agree. The organization or agency has the same limitation on civil liability as under current law, but DOC is not civilly liable for any acts or omissions by the probationer or parolee while performing the community service work.

For further information see the *state and local* 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:*

4             **SECTION 1.** 102.07 (14) of the statutes is amended to read:  
5             102.07 (14) An adult performing uncompensated community service work  
6             under s. 304.062, 971.38, 973.03 (3), 973.05 (3) ~~or~~, 973.09 or 973.10 (1m) is an employe

1 of the county in which the district attorney requiring or the court ordering the  
2 community service work is located or in which the place of assignment under s.  
3 304.062 or 973.10 (1m) is located. No compensation may be paid to that employe for  
4 temporary disability during the healing period.

5 **SECTION 2.** 304.062 of the statutes is created to read:

6 **304.062 Ordering parolees to perform community service work. (1)**

7 The department may order that a parolee perform community service work for a  
8 public agency or a nonprofit charitable organization. An order may apply only if  
9 agreed to by the parolee and the organization or agency. The department shall  
10 ensure that the parolee is provided a written statement of the terms of the  
11 community service order and shall monitor the parolee's compliance with the  
12 community service order.

13 **(2)** Any organization or agency acting in good faith to which a parolee is  
14 assigned under an order under this section has immunity from any civil liability in  
15 excess of \$25,000 for acts or omissions by or impacting on the parolee. The  
16 department has immunity from any civil liability for acts or omissions by or  
17 impacting on the parolee regarding the assignment under this section.

18 **SECTION 3.** 973.10 (1m) of the statutes is created to read:

19 **973.10 (1m) (a)** The department may order that a probationer perform  
20 community service work for a public agency or a nonprofit charitable organization.  
21 An order may apply only if agreed to by the probationer and the organization or  
22 agency. The department shall ensure that the probationer is provided a written  
23 statement of the terms of the community service order and shall monitor the  
24 probationer's compliance with the community service order. Compliance with this  
25 subsection does not entitle a probationer to credit under s. 973.155.

