

1999 DRAFTING REQUEST

Bill

Received: 08/30/1999

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Goetsch (608) 266-2540**

By/Representing: **Kent Vernon**

This file may be shown to any legislator: NO

Drafter: **olsenje**

May Contact:

Alt. Drafters: **mdsida**

Subject: **Correctional System - misc  
Criminal Law - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Criminal penalty study committee recommendations

**Instructions:**

See Attached

**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>        | <u>Reviewed</u>       | <u>Typed</u>          | <u>Proofed</u> | <u>Submitted</u>           | <u>Jacketed</u>            | <u>Required</u> |
|--------------|-----------------------|-----------------------|-----------------------|----------------|----------------------------|----------------------------|-----------------|
| I?           | olsenje<br>08/30/1999 | gilfokm<br>08/30/1999 |                       | _____          |                            |                            | S&L             |
| /1           | olsenje<br>08/31/1999 |                       | martykr<br>08/31/1999 | _____          | lrb-docadmin<br>08/31/1999 | lrb-docadmin<br>09/01/1999 |                 |

FE Sent For:

*Handwritten note:* 09-01-99  
1/1

<END>

1798

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|--------------|-----------------------|-----------------------|-----------------------|----------------|----------------------------|-----------------|------------------|
| /?           | olsenje<br>08/30/1999 | gilfokm<br>08/30/1999 |                       | _____          |                            |                 | S&L              |
| /1           | olsenje<br>08/31/1999 |                       | martykr<br>08/31/1999 | _____          | lrb_docadmin<br>08/31/1999 |                 |                  |

FE Sent For:

&lt;END&gt;

1999 DRAFTING REQUEST

Bill

Received: 08/30/1999

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Wanted: As time permits

Identical to LRB:

For: Robert Goetsch (608) 266-2540

By/Representing: Kent

This file may be shown to any legislator: NO

Drafter: olsenje

May Contact:

Alt. Drafters: mdsida

Subject: Correctional System - misc  
Criminal Law - miscellaneous

Extra Copies: KMG

Pre Topic:

No specific pre topic given

Topic:

Criminal penalty study committee recommendations

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u>  | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Reaired</u> |
|--------------|----------------|------------------|--------------|----------------|------------------|-----------------|----------------|
| I?           | olsenje        | 1-8-30-99<br>Kmg | km 8/31      | ch 8<br>km 31  |                  |                 |                |

FE Sent For:

<END>

Kent Goetsch  
62540

Do a CPSC draft for him

Make it identical to CPSC draft.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3420/2

JEO&MGD:kmg/jlg/wlj/cmh:hmh

Tue 8/31  
by 9:00 am.

D. Note

3528/1

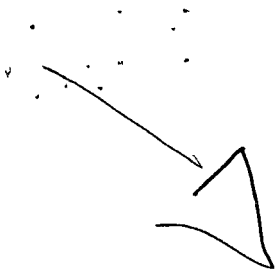
stays

1999 BILL

WPO:  
Make sure the  
last page ~~ends~~ starts and  
ends the same as the  
paper copy.

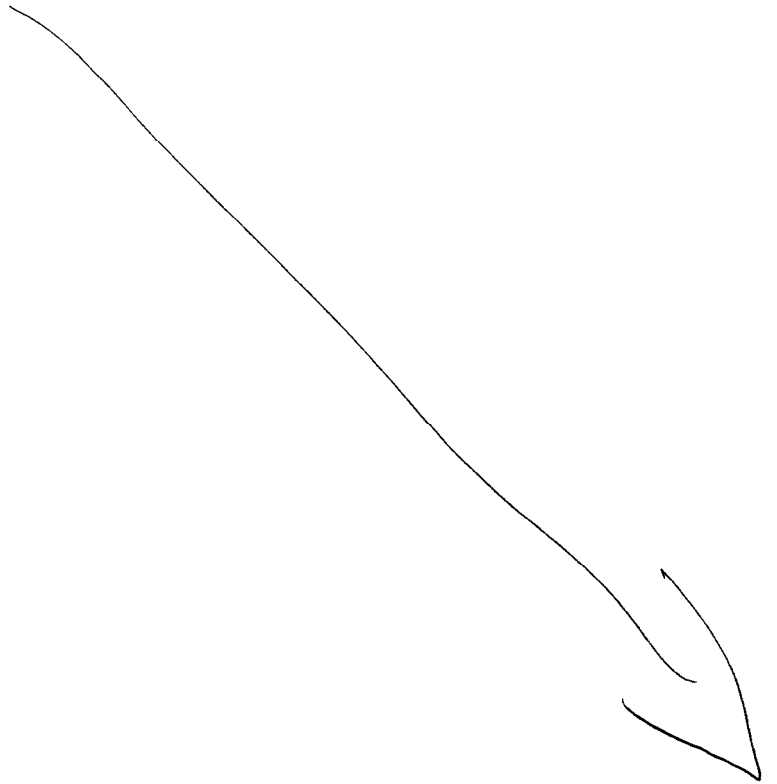
1     **AN ACT to repeal** 351.07 (2) (b), 939.32 (1) (b), 939.50 (1) (bc), 939.50 (3) (bc),  
2           939.615 (7) (c), 939.622, 939.623, 939.624, 939.625, 939.63 (2), 939.635, 939.64,  
3           939.641, 939.646, 939.647, 939.648, 940.09 (lb), 940.19 (3), 940.195 (3), 940.195  
4           (6), 940.25 (lb), 940.285 (2) (b) 3., 941.29 (2m), 941.296 (3), 943.01 (2g), 943.23  
5           (1m), 943.23 (lr), 946.42 (4), 946.425 (2), 948.02 (3m), 948.025 (2m), 948.03 (5),  
6           948.35, 948.36, 948.605 (4), 961.41 (1) (cm) 5., 961.41 (1) (d) 5., 961.41 (1) (d) 6.,  
7           961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41 (lm) (cm) 5., 961.41 (lm) (d) 5., 961.41  
8           (1m) (d) 6., 961.41 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (2) (c), 961.41 (3g) (a)  
9           2., 961.41 (3g) (a) 3., 961.438, 961.46 (2), 961.46 (3), 961.465, 961.48 (2), 961.48  
10          (4), 961.49 (2), 961.49 (3), 961.492, 973.01 (2) (b) 2. and 973.03 (3) (e) 3.; to  
11          **renumber** 351.07 (2) (a) and 961.49 (1); **to renumber and amend** 49.95 (1),  
12          125.075 (2), 939.63 (1), 943.20 (3) (d) 2., 948.025 (1), 948.025 (2), 961.41 (1) (cm)  
13          l., 961.41 (lm) (cm) l., 961.41 (3g) (a) l., 961.46 (l), 961.48 (1), 971.17 (l),  
14          973.01 (2) (b) 6., 973.01 (2) (c) and 973.01 (2) (d); to **amend** 6.18, 11.61 (1) (a),





Editor / WA:

Page 2 to 203  
not copied in  
order to save  
paper



DATE: AUGUST 18, 1999

CLIENT: LEGISLATURE  
LIBRARY: MEGA  
FILE: NEWER

YOUR SEARCH REQUEST IS:  
PALADIN AND RICE

NUMBER OF CASES FOUND WITH YOUR REQUEST THROUGH:  
LEVEL 1 ... 8



## BILL

1 (4) (c) 2., 973.075 (1) (b) lm. e., 973.075 (2) (d), 973.09 (2) (b) l., 977.06 (2) (b) and  
2 978.13 (1) (c) of the statutes; the creation of sections 49.95 (1) (e) and (f), 125.075 (2)  
3 (b), 346.04 (2t), 346.04 (4), 346.17 (2t), 939.32 (1) tbn), 939.32 (lg), 939.32 (lm),  
4 939.50 (1) (f), 939.50 (1) (g), 939.50 (1) (h), 939.50 (1) (i), 939.50 (3) (f), 939.50 (3) (g),  
5 939.50 (3) (h), 939.50 (3) (i), 940.09 (lc), 943.20 (3) (bm), 943.23 (3m), 943.34 (1) (bm),  
6 943.50 (4) (bm), 946.50 (5d), 946.50 (5h), 946.50 (5p), 946.50 (5t), 948.025 (1) (b),  
7 948.025 (2) (a), 948.51 (3) (c), 948.62 (1) (bm), 961.41 (1) (cm) lg., 961.41 (1) (h) 4.,  
8 961.41 (1) (h) 5., 961.41 (1m) (cm) lg., 961.41 (lm) (h) 4., 961.41 (lm) (h) 5., 961.41  
9 (3g) (b) (title) and 961.48 (1) (a) and (b) of the statutes; and **SECTION 773** (1) of this  
10 act take effect on December **31, 1999**, or the day after publication, whichever is later.

11 (2) **OPERATING AFTER REVOCATION.** The treatment of section 343.44 (2) (b) (intro.)  
12 of the statutes and **SECTION 773** (2) of this act take effect on whichever of the following  
13 dates is later:

14 (a) The day after publication.

15 (b) May 1, 2000, or the date stated in the notice published by the secretary of  
16 transportation in the Wisconsin Administrative Register under section 85.515 of the  
17 statutes, whichever is earlier.

18 (3) **CRIMINAL PENALTIES STUDY COMMITTEE APPROPRIATION.** **SECTION 772** (1) of this  
19 act takes effect on the day after publication of this act or on the 2nd day after  
20 publication of the 1999-2001 biennial budget act, whichever is later.

21 **(END)**

LRB-3528/1 dn

D-Note

JED & MGD: Kmg:  
↑ 0

This draft is identical to the one  
included in the report of the  
criminal penalties study committee.

(JED)

10

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3528/1dn  
JEO:kmg:km

August 31, 1999

This draft is identical to the one included in the report of the criminal penalties study committee.

Jefren E. Olsen  
Legislative Attorney  
Phone: (608) 2664906  
E-mail: [Jefren.Olsen@legis.state.wi.us](mailto:Jefren.Olsen@legis.state.wi.us)

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 08/3 111999

To: Representative Goetsch

Relating to LRB drafting number: LRB-3528

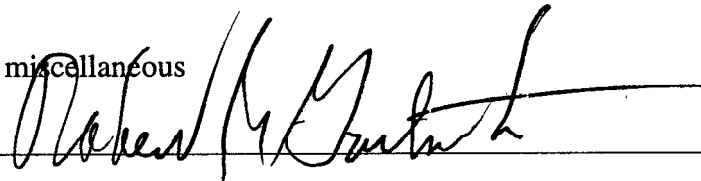
**Topic**

Criminal penalty study committee recommendations

**Subject(s)**

Correctional System - misc, Criminal Law - miscellaneous

1. **JACKET** the draft for introduction



in the **Senate** \_\_\_\_\_ or **the Assembly** \_\_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain FISCAL **ESTIMATE** NOW, prior to introduction \_\_\_\_\_



If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney  
Telephone: (608) 266-8906

## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Wednesday, September 01, 1999 4:05 PM  
**To:** Vernon, Kent  
**Subject:** 99-3528/1 (per yor request)



99-3528/1



99-3528/1 dn

*Mike Barman*

Mike **Barman** - Program Asst. (PH. **608-266-3561**)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: **608-264-6948**)

State of **Wisconsin**  
legislative Reference **Bureau** - legal Section - Front **Office**  
100 N. Hamilton Street - 5th Floor  
**Madison, WI 53703**

## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Friday, September 17, 1999 1:11 PM  
**To:** Salm, Debbie  
**Subject:** 4 of the 6 FE's to AB 465



99-3528feDAorg



99-3528feDOAorg



99-3528feDOCorg



99-3528feDCJorg

Debbie -

Early release was OKed by Kent Vernon in Re. Goetsch's office.

Let me know if there is anything else you need.

Thank you,

*Mike Barman*

Mike Barman - Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
legislative Reference Bureau - legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703



State of Wisconsin  
1999-2000 LEGISLATURE

CORRECTIONS **IN:**  
**1999 ASSEMBLY BILL 465**

Prepared by the Legislative Reference Bureau  
(September 22, 1999)

1. Page 188, line 10: delete "Class C," and substitute "Class C".

**NOTE:** This correction is made because s. 973.03 (3)(e) 1. refers to "Class C" felony, making the reference to that felony class in s. 973.03 (3)(e) 2. redundant.







**PLEASE HAVE CCCSENT BY PAGE.**

**CORRECTIONS IN: CCC (LRB-3528/1)**

**TO 1999 ASSEMBLY BILL 465**

**0**

Prepared by the Legislative Reference Bureau  
(Date)

- 1. Page 188, line 10: delete "Class C" and substitute "Class C".

NOTE: This correction is made because ~~the reference~~ <sup>refers</sup> to "Class C" felony ~~is~~ <sup>making</sup> ~~correctly placed in~~ s. 973.03 (3) (e) 1. ~~and~~ the reference to that felony in s. 973.03 (3) (e) 2. ~~is~~ <sup>class</sup> redundant.

*Jeffrey. Please edit the NOTE;  
I'm sure that it can be  
improved. Thanks  
Jeffrey*

KMG:



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
P. O. BOX 2037  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION (606) 266-3561  
LEGAL FAX (608) 264-8522

REFERENCE SECTION (608) 266-0341  
REFERENCE FAX (608) 266-5648

July 8, 1998

Attorney Michael Brennan  
Milwaukee County District Attorneys Office  
821 West State Street  
Room 412  
Milwaukee, WI 53233

Dear Attorney Brennan:

Enclosed is a memorandum giving a brief history of the "truth in sentencing" act. Attached to the memorandum are some documents relating to the legislature's consideration of the act that I thought might be useful or of interest to you.

As will be evident from the memorandum, I have not enclosed a copy of every document generated during consideration of the act. I did not do so for a number of reasons. First, once the proposal had been introduced, its substantive provisions did not change very much. Second, several of the documents involved are lengthy (well over 100 pages) and I did not want to swamp you with reams of paper, much of which would prove to be irrelevant. Third, as it happens, some of the documents cannot be released because they were initial drafts or redrafts that were never introduced and thus are not open to public inspection.

In addition, I have enclosed lists of the felonies and Class A misdemeanors that are in the criminal code. Though I am not sure how helpful the format will be, the lists are up-to-date. As far as I can discern at this point, there is only one bill awaiting action by the governor that relates to a criminal penalty, and that is Assembly Bill 242. AB-242 changes the acts covered by s. 941.325, stats., and changes the penalty for that crime to a Class A misdemeanor. If the governor signs AB-242, the Class E felony and Class A misdemeanor lists will have to be changed to reflect the changes made by the bill.

I believe I said during our telephone conversation on July 6 that I do not have a list for the felonies outside of the criminal code. However, because Act 283 increases the penalties for every felony outside the criminal code, the text of the Act contains the actual penalty provision for each of those felonies. Sometimes a look at the provision in the Act will make it immediately evident what the felony is (e.g., **SECTION 4** of the Act increases the penalty for logrolling); other times it will be necessary to look at the statutes to determine what the particular felony is.

I hope this information is helpful. As I mentioned during our telephone conversation, I am leaving on vacation on July 10th and will not return to work until August 10th. In the meantime, the reference section at the telephone number given above may be able to assist you in locating

legislative documents that you may want. Otherwise, I will plan on contacting you when I return to see if I can be of further assistance.

Sincerely,

Jefren E. Olsen  
Legislative Attorney  
Telephone: (608) 26643906  
E-mail: [jefren.olsen@legis.state.wi.us](mailto:jefren.olsen@legis.state.wi.us)

Enclosures



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
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MADISON, WI 53701-2037

STEPHEN R MILLER  
CHIEF

LEGAL SECTION (608) 266-3561  
LEGAL FAX (608) 264-8522

REFERENCE SECTION (608) 266-0341  
REFERENCE FAX (608) 266-5648

---

July 7, 1998

## MEMORANDUM

**To:** Attorney Michael Brennan, Criminal Penalties Study Committee

**From:** Attorney Jefren E. Olsen, Legislative Reference Bureau

**Subject:** A Brief Legislative History of 1997 Wisconsin Act 283

---

What follows is a brief legislative history of 1997 Wisconsin Act 283. The memorandum describes the most significant aspects of the specified legislative documents (such as substitute amendments and amendments) or, in a few cases, attaches copies of the legislative documents themselves or other related documents. The drafting files are quite voluminous and do contain other documents that I have not attached. The complete drafting files may be reviewed at our offices here in Madison. Alternatively, if you want to know whether there is something in them dealing with a specific issue, you can let me know and I will search them for you.

**A. First drafts.** The first draft of what became Act 283 was drafted at the request of Stewart Simonson of the Governor's office (attachment 1). The first version of the draft (LRB-1128/P1) was prepared in late 1996 and sent out in January 1997 (attachment 2). It contained various questions imbedded in the draft asking specific questions about how the draft should deal with various issues. After Stewart Simonson responded to these questions (attachment 3), the draft was redrafted as LRB-1128/1 and was then added to the list of drafts to be included in the Governor's executive budget bill. I raised further questions in a drafter's note to LRB-1128/1, which were answered by Roger Fetterly of DOA (attachment 4). Stewart Simonson also gave additional instructions (attachments 5 and 6). The draft was then redrafted again as LRB-1128/2 and, with only one further minor, nonsubstantive change, included in the Governor's executive budget bill (1997 Assembly Bill 100).

**B. Creation of AB-351.** As part of its considerations of the executive budget bill, the joint committee on finance decided to remove the "truth in sentencing" provisions along with other parts of the bill that were deemed to be major policy initiatives. Thus, the provisions of LRB-1128 were removed from the executive budget bill and prepared as a new draft for separate introduction (LRB-3 154). This new draft, which was identical in all substantive respects to LRB-1128/2, was introduced in May 1997 as 1997 Assembly Bill 351 (AB-351; attachment 7).

**C. History of AB-351.** The official bill history for AB-35 1 is shown in attachment 8. Here is a narrative version of that history:

1. *Consideration by the assembly.* AB-35 1 was referred to the criminal justice and corrections committee. A substitute amendment and several simple amendments were drafted after a meeting involving committee members and sponsors of the bill (*attachment 9*).

The committee introduced and recommended adoption of assembly substitute amendment 1 (LRBs0162/1) and several simple amendments (assembly amendments 1, 2 and 3) to assembly substitute amendment 1. The bill was debated by the assembly on May 28, 1997, and the assembly adopted assembly substitute amendment 1, as amended by assembly amendments 1, 3, 10 and 12. The changes made by these amendments are summarized in *attachment 10* (the drafter's note attached to the draft that was introduced as assembly substitute amendment 1) and *attachment II*. (See also *attachment 12*, a memorandum prepared by Shaun Haas of the Legislative Council, which summarizes AB-35 1 generally.)

The assembly did *not* adopt the following amendments offered to assembly substitute amendment 1:

- Assembly amendment 2, relating to challenge incarceration; it was inconsistent with assembly amendment 12, which was adopted.
- Assembly amendment 4, which would have removed the penalty increases from the bill.
- Assembly amendment 5, which would have created a prison impact assessment requirement for bills creating or increasing felony penalties.
- Assembly amendment 6, concerning notices to victims of petitions for extended supervision by a person serving a life sentence.
- Assembly amendment 7, which would have provided for studies by the UW of ways to reduce prison incarceration.
- Assembly amendment 8, relating to challenge incarceration; it was inconsistent with assembly amendment 12, which was adopted.
- Assembly amendment 9, which would have removed the penalty increases from the bill.
- Assembly amendment 11, which was a different version of amendment 7.
- Assembly amendment 1 to assembly amendment 12, which would have made early release after completion of challenge incarceration up to the discretion of the court.

2. *Consideration by the senate.* The senate did not act on AB-35 1 during the regular session. The senate did pass its own version of "truth in sentencing", 1997 Senate Bill 345, which made the same changes as AB-351 to the structure of felony sentences but did not increase any felony penalties. The assembly, however, did not act on SB-345.

After officially expiring at the conclusion of the regular session, AB-35 1 was revived as part of the extraordinary session that began in April, 1998. After the bill was revived, senate substitute

amendment 1 was introduced and recommended for adoption by the senate judiciary committee. Senate substitute amendment 1 was based on AB-35 1 as passed by the assembly, with the following changes: (a) it increased the penalties for the felonies that were not treated in AB-35 1; (b) it created the criminal penalties study committee and eliminated the sentencing guidelines mandate created by assembly amendment 10; (c) it added the language contained in s. 973.01 (8); (d) it required DHFS to request funding each biennium for child abuse and neglect prevention; and (e) if necessary, it took into account changes made in the statutes by enactments that had occurred since AB-351 was introduced.

The senate debated the bill on May 1, 1998, and adopted the senate substitute amendment as amended by senate amendment 3 to senate substitute amendment 1. (Senate amendment 3 changed the committee's reporting date from March 1, 1999, to April 30, 1999.) The senate rejected senate amendments 1, 2 and 4 to senate substitute amendment 1. Senate amendment 1 would have provided money for child abuse and neglect prevention; senate amendment 2 would have prohibited DOC from entering into a contract if, in performance of the contract, prison inmates would have access to certain personal information about others; and senate amendment 4 would have created a prison impact assessment requirement for bills creating or increasing felony penalties.

**3. Reconsideration by the assembly.** AB-35 1 was then sent to the assembly for concurrence or nonconcurrence in senate substitute amendment 1. On May 5, 1998, the assembly concurred in senate substitute amendment 1. The following amendments were offered but not adopted:

- Assembly amendment 1, which would have provided \$216,000,000 for prison construction.
- Assembly amendment 2, which would have prohibited DOC from entering into a contract if, in performance of the contract, prison inmates would perform data entry or telemarketing. (Ruled to be not germane.)
- Assembly amendment 3, which would have placed restrictions on using inmates to perform telephone solicitations. (Ruled to be not germane.)
- Assembly amendment 4, which would have eliminated the requirement that DHFS request funding for child abuse and neglect prevention.
- Assembly amendment 5, which would have placed certain restrictions on the use of funds requested for child abuse and neglect prevention.
- Assembly amendment 6, which would have provided money for child abuse and neglect prevention.

**D. Partial veto by the governor.** After the assembly concurred in the senate action on AB-35 1, the bill was enrolled and sent to the governor. He signed it after making a partial veto of the bill to correct a potential ambiguity about the effective date of a penalty increase. As a result of the partial veto, the increase in the penalty under s. 100.17 1 (7) (b), stats. (as affected by 1997 Wisconsin Act 11 1), takes effect immediately; every other penalty increase takes effect on December 31, 1999.

Please let me know if you have any questions or need any further information. My telephone number is (608) 266-8906 and my e-mail address is jefren.olsen@legis.state.wi.us.



STEPHEN R. MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
P. O. BOX 2037  
MADISON, WI 53701-2037

LEGAL SECTION (606) 266-3561  
LEGAL FAX (608) 264-6522

REFERENCE SECTION (606) 266-0341  
REFERENCE FAX (606) 266-5648

## MEMORANDUM

**To:** Interested persons

**From:** Jefren E. Olsen, Legislative Attorney, (608) 266-8906

**Subject:** Felonies in the Wisconsin Criminal Code (chapters 939 to 951)

**Date:** July 3, 1998

---

**What this list contains:** The following is a list of felonies contained in the Wisconsin criminal code, which is comprised of chapters 939 to 951 of the Wisconsin Statutes. A felony in the criminal code is classified as an A, B, BC, C, D or E felony. The penalty for each class of felony is specified at the beginning of the list for that classification. The list also contains the few felonies in the criminal code that are not classified as an A, B, BC, C, D or E felony.

The list is in ascending order of statutory citation. It gives a common name for or short description of the felony and the statutory citation for the felony. The list does not provide a detailed recital of the elements of the felony (that is, what a prosecutor must prove to secure a conviction against someone charged with the felony). To find out what those elements are, you will have to look at the cited statute.

**What crimes this list does NOT contain:** The following list does not contain any felony in a statutory provision that is outside the criminal code. The most significant felonies excluded from this list are those relating to violations of the controlled substances (dangerous drug) law. Penalties relating to controlled substances are contained in ss. 96.141 to 96.150 of the Wisconsin Statutes. There are also numerous other felonies outside the criminal code relating to such things as tax fraud and evasion, certain natural resources and environmental law violations and certain motor vehicle violations.

**When this list was last updated:** The following list was updated on the date indicated above and is current through 1997 Wisconsin Act 338. Thus, any felony in the criminal code created by any later act of the legislature is not included. Likewise, if the penalty provided for an existing felony in the criminal code has been changed by any later act of the legislature, that change is not reflected in this list.

**Note:** The current printed version of the Wisconsin Statutes will not reflect any changes made in a statute by 1997 Wisconsin Acts 1 through 338 and will not include any felony created by 1997 Wisconsin Acts 1 through 338. Thus, to see the most current version of a felony affected or created by an act of the 1997 legislature, you will have to look at the 1997 Act referred to in the list as affecting or creating the specific felony.



### **Class A Felonies**

A Class A felony is punishable by life imprisonment. *Section 939.50 (3) (a), stats.* The following crimes are Class A felonies:

1. First-degree intentional homicide. *Section 940.01 (1), stats. (as affected by 1997 Wisconsin Act 295).*
2. Performing a partial-birth abortion. *Section 940.16 (2), stats. (as created by 1997 Wisconsin Act 219).*
3. Taking hostages. *Section 940.305 (1), stats.* (NB: if, before the time of the defendant's arrest, each person who is held as a hostage is released without bodily harm, the crime is a Class B felony.)
4. Kidnapping with intent to cause another to transfer property to obtain the release of the victim. *Section 940.31 (2) (a), stats.* (NB: if, before the first witness is sworn at trial, the victim is released without permanent physical injury, the crime is a Class B felony.)
5. Causing death to another by tampering with household products. *Section 941.327 (2) (b) 4., stats.*
6. Causing death to another during a carjacking. *Section 943.23 (1r), stats.*
7. Treason. *Section 946.01 (1), stats.*
8. Absconding after being adjudicated delinquent for a Class A felony. *Section 946.50 (1), stats.*
9. Use of child to commit a Class A felony. *Section 948.36, stats.*

### **Class B Felonies**

A Class B felony committed before December 31, 1999, is punishable by imprisonment of not more than 40 years. A Class B felony committed on or after December 31, 1999, is punishable by imprisonment of not more than 60 years. *Section 939.50 (3) (b), stats. (as affected by 1997 Wisconsin Act 283).* The following crimes are Class B felonies:

1. Conspiracy to commit a crime for which the penalty is life imprisonment. *Section 939.31, stats.*
2. Attempt to commit a crime for which the penalty is life imprisonment. *Section 939.32 (1) (a), stats.*
3. First degree reckless homicide. *Section 940.02, stats. (as affected by 1997 Wisconsin Act 295).*
4. Second-degree intentional homicide. *Section 940.05, stats. (as affected by 1997 Wisconsin Act 295).*
5. Homicide by intoxicated use of a vehicle. *Section 940.09 (1), stats. (as affected by 1997 Wisconsin Act 338).*

6. Mayhem. *Section 940.21, stats.*
7. First degree sexual assault. *Section 940.225 (1), stats.*
8. Abuse of vulnerable adults under circumstances causing death. *Section 940.285 (2) (b) lg., stats. (as created by 1997 Wisconsin Act 180).*
9. Abuse and neglect of a patient or resident of certain facilities under circumstances that cause death. *Section 940.295 (3) (b) lg., stats. (as created by 1997 Wisconsin Act 180).*
10. Taking hostages when, before the time of the actor's arrest, each person who is held as a hostage is released without bodily harm. *Section 940.305 (2), stats.*
11. Kidnapping. *Section 940.31 (1) and (2) (b), stats.*
12. Arson of a building; damage of property by explosives. *Section 943.02 (1), stats.*
13. Aggravated burglary. *Section 943.10 (2), stats.*
14. Carjacking. *Section 943.23 (lg) and (lm), stats.*
15. Armed robbery. *Section 943.32 (2), stats.*
16. Absconding after being adjudicated delinquent for a Class B felony. *Section 946.50 (2), stats.*
17. First degree sexual assault of a child. *Section 948.02 (1), stats.*
18. Repeated sexual assault of a child. *Section 948.025, stats.*
19. Abduction of another's child by force or threat of force. *Section 948.30 (2), stats.*
20. Solicitation of a child to commit a Class A felony. *Section 948.35 (1) (b), stats.*

### **Class BC Felonies**

A Class BC felony committed before December 31, 1999, is punishable by a fine of not more than \$10,000 or imprisonment of not more than 20 years or both. A Class BC felony committed on or after December 31, 1999, is punishable by a fine of not more than \$10,000 or imprisonment of not more than 30 years or both. *Section 939.50 (3) (bc), stats. (as affected by 1997 Wisconsin Act 283).* The following crimes are Class BC felonies:

1. Second degree sexual assault. *Section 940.225 (2), stats. (as affected by 1997 Wisconsin Act 220).*
2. Second degree sexual assault of a child. *Section 948.02 (2), stats,*
3. Incest with a child. *Section 948.06, stats.*
4. Child enticement. *Section 948.07, stats.*
5. Soliciting a child for prostitution. *Section 948.08, stats.*

### Class C Felonies

A Class C felony committed before December 31, 1999, is punishable by a fine of not more than \$10,000 or imprisonment of not more than 10 years or both. A Class C felony committed on or after December 31, 1999, is punishable by a fine of not more than \$10,000 or imprisonment of not more than 15 years or both. *Section 939.50 (3) (c), stats. (as affected by 1997 Wisconsin Act 283)*. The following crimes are Class C felonies:

1. Solicitation to commit a crime for which the penalty is life imprisonment. *Section 939.30 (2), stats.*

2. Second-degree reckless homicide. *Section 940.06, stats. (as affected by 1997 Wisconsin Act 295)*.

3. Homicide resulting from negligent control of vicious animal. *Section 940.07, stats.*

4. Mutilating a corpse. *Section 940.11 (1), stats.*

5. Aggravated battery (causing great bodily harm to another by an act done with intent to cause either substantial bodily harm or great bodily harm). *Section 940.19 (5), stats.*

6. Aggravated battery to an unborn child (causing great bodily harm to an unborn child by an act done with intent to cause either substantial bodily harm or great bodily harm). *Section 940.195 (5), stats. (as created by 1997 Wisconsin Act 295)*.

7. Sexual exploitation by a therapist. *Section 940.22 (2), stats.*

8. First-degree reckless injury. *Section 940.23 (1), stats. (as affected by 1997 Wisconsin Act 295)*.

9. Abuse of a vulnerable adult under circumstances causing great bodily harm. *Section 940.285 (2) (b) lm., stats. (as created by 1997 Wisconsin Act 180)*.

10. Abuse and neglect of a patient or resident of certain facilities under circumstances that cause great bodily harm. *Section 940.295 (3) (b) 1m., stats. (as created by 1997 Wisconsin Act 180)*.

11. Endangering safety by intentionally discharging a firearm from a vehicle while on a highway or public parking lot. *Section 941.20 (3) (a), stats.*

12. Modifying firearm to make it a machine gun. *Section 941.26 (1m) and (2) (b), stats.*

13. Possession of explosives. *Section 941.31 (1), stats.*

14. Administering dangerous or stupefying drug with intent to facilitate commission of a crime. *Section 941.32, stats.*

15. Causing great bodily harm by tampering with household products. *Section 941.327 (2) (b) 3., stats.*

16. Contributing to the death of another by obstructing emergency or rescue personnel. *Section 941.37, stats.*

17. Burglary. *Section 943.10 (l), stats.*
18. Theft (if the value of the property exceeds \$2,500). *Section 943.20 (3) (c), stats.*
19. Loan **sharking**. *Section 943.28, stats.*
20. Robbery. *Section 943.32 (l), stats.*
21. Receiving stolen property (if the value of the property exceeds \$2,500). *Section 943.34 (1) (c), stats.*
22. Forgery of certain documents; uttering certain forged documents. *Section 943.38 (1) and (2), stats.*
23. Fraudulent use of financial transaction cards (if the value of the money, goods, services or property exceeds \$2,500). *Section 943.41 (8) (c), stats.*
24. Retail theft (if the value of the merchandise exceeds \$2,500). *Section 943.50 (4) (c), stats. (as affected by 1997 Wisconsin Act 262).*
25. Theft of library material (if the value of the library materials exceeds \$2,500). *Section 943.61 (5) (c), stats.*
26. Unlawful receipt of payments to obtain loan for another (if the value of the payment exceeds \$2,500). *Section 943.62 (4) (c), stats.*
27. Computer crimes (if the offense creates a substantial and unreasonable risk of death or great bodily harm to another). *Section 943.70 (2) (b) 4., stats.*
28. Incest. *Section 944.06, stats.*
29. Pandering (if compensated from earnings of prostitute). *Section 944.33 (2), stats.*
30. Sabotage. *Section 946.02 (1), stats.*
31. Seditious. *Section 946.03 (1), stats.*
32. Assaults by prisoners. *Section 946.43, stats.*
33. Public officer or public employe assisting or permitting escape. *Section 946.44 (1g), stats.*
34. Bringing firearm into prison or jail; transferring firearm to prisoner. *Section 946.44 (1m), stats.*
35. Absconding after being adjudicated delinquent for a Class C felony. *Section 946.50 (3), stats.*
36. Engaging in racketeering activity. *Section 946.84 (1), stats.*
37. Failure by person responsible for the welfare of a child to prevent sexual assault of the child. *Section 948.02 (3), stats.*
38. Physical abuse of a child (intentionally causing great bodily harm; causing bodily harm by conduct creating a high probability of great bodily harm). *Section 948.03 (2) (a) and (c), stats.*

39. Failure by person responsible for the welfare of a child to prevent great bodily harm to a child. *Section 948.03 (4) (a), stats.*

40. Causing mental harm to a child; failure by person responsible for the welfare of a child to prevent mental harm to child. *Section 948.04 (1) and (2), stats.*

41. Sexual exploitation of a child. *Section 948.05 (1) and (2), stats.*

42. Causing a child under the age of 13 to view or listen to sexual activity. *Section 948.055 (2) (a), stats.*

43. Child sex offender working with children. *Section 948.13 (2), stats.*

44. Neglect of a child resulting in death. *Section 948.21 (1), stats.*

45. Abduction of another's child. *Section 948.30 (1), stats.*

46. Interference with custody of child with intent to deprive custodian of custody rights; concealing child. *Section 948.31 (1) (b) and (3), stats.*

47. Solicitation of a child to commit a Class B felony. *Section 948.35 (1) (c), stats.*

48. Contributing to the delinquency of a child if death is a consequence. *Section 948.40 (4) (a), stats.*

49. Receiving stolen property from a child (if the value of the property exceeds \$2,500). *Section 948.62 (1) (c), stats.*

### **Class D Felonies**

A Class D felony committed before December 31, 1999, is punishable by a fine of not more than \$10,000 or imprisonment of not more than 5 years or both. A Class D felony committed on or after December 31, 1999, is punishable by a fine of not more than \$10,000 or imprisonment of not more than 10 years or both. *Section 939.50 (3) (d), stats. (as affected by 1997 Wisconsin Act 283).* The following crimes are Class D felonies:

1. Solicitation to commit a felony (other than a Class A or Class E felony). *Section 939.30 (1), stats.*

2. Homicide by negligent handling of dangerous weapon, explosives or fire. *Section 940.08, stats. (as affected by 1997 Wisconsin Act 295).*

3. Homicide by intoxicated use of a firearm. *Section 940.09 (lg), stats.*

4. Hiding a corpse. *Section 940.11 (2), stats.*

5. Assisting suicide. *Section 940.12, stats.*

6. Aggravated battery (causing substantial bodily harm to another by an act done with intent to cause substantial bodily harm; causing great bodily harm to another by an act done with intent to cause bodily harm; or causing bodily harm to another by conduct that creates a substantial risk of great bodily harm). *Section 940.19 (3), (4) and (6), stats.*

7. Aggravated battery to an unborn child (causing substantial bodily harm to an unborn child by an act done with intent to cause substantial bodily harm; causing great bodily harm to an unborn child by an act done with intent to cause bodily harm; or causing bodily harm to an unborn child by conduct that creates a substantial risk of great bodily harm). *Section 940.195 (3), (4) and (6), stats. (us created by 1997 Wisconsin Act 295).*

8. Battery by prisoners. *Section 940.20 (1), stats.*

9. Battery to law enforcement officers and fire fighters. *Section 940.20 (2), stats.*

10. Battery to probation and parole agents and aftercare agents. *Section 940.20 (2m) (b), stats.*

11. Battery to jurors. *Section 940.20 (3), stats. (as affected by 1997 Wisconsin Act 143).*

12. Battery to an emergency department worker, an emergency medical technician, a first responder or an ambulance driver. *Section 940.20 (7) (b), stats.*

13. Battery or threat to witness. *Section 940.201 (2), stats. (as created by 1997 Wisconsin Act 143).*

14. Battery or threat to judge. *Section 940.203 (2), stats.*

15. Battery or threat to department of revenue employe. *Section 940.205 (2), stats.*

16. Battery or threat to department of commerce or department of workforce development employe. *Section 940.207 (2), stats.*

17. Third degree sexual assault. *Section 940.225 (3), stats.*

18. Second-degree reckless injury. *940.23 (2), stats. (as affected by 1997 Wisconsin Act 295).*

19. Injury by intoxicated use of a vehicle. *Section 940.25 (1), stats.*

20. Abuse of a vulnerable adult under circumstances that are likely to cause great bodily harm. *Section 940.285 (2) (b) I., stats. (as affected by 1997 Wisconsin Act 180).*

21. Abuse or neglect of a patient or resident of certain facilities under circumstances that cause or are likely to cause great bodily harm. *Section 940.295 (3) (b) I., stats.*

22. Stalking (if defendant intentionally gains access to certain records in order to facilitate the violation or if defendant has a prior stalking or harassment conviction). *Section 940.32 (2m) and (3m), stats.*

23. Felony intimidation of a witness. *Section 940.43, stats.*

24. Felony intimidation of a victim. *Section 940.45, stats.*

25. Unsafe burning of buildings. *Section 941.11, stats.*

26. Using tear gas device to cause bodily harm or bodily discomfort to a peace officer. *Section 941.26 (2) (f), stats.*

27. Using pepper spray device to cause bodily harm or bodily discomfort to a peace officer. *Section 941.26 (4) (d), stats.*

28. Unlawful possession of a firearm, second offense. *Section 941.29 (2m), stats.*
29. First-degree recklessly endangering safety. *Section 941.30 (1), stats.*
30. Unlawful delivery or distribution of nitrous oxide. *Section 941.315 (3), stats. (us createdby 1997 Wisconsin Act 336).*
31. Creating a high probability of great bodily harm to another by tampering with household products. *Section 941.327 (2) (b) 2., stats.*
32. Damage to certain property. *Section 943.01 (2), stats.*
33. Criminal damage to property of a witness. *Section 943.011 (2), stats. (as created by 1997 Wisconsin Act 143).*
34. Criminal damage to property of a judge. *Section 943.013 (2), stats.*
35. Criminal damage to property of a department of revenue employe. *Section 943.015 (2), stats.*
36. Graffiti to certain property. *Section 943.017 (2), stats.*
37. Graffiti to property of a witness. *Section 943.017 (2m), stats. (as created by 1997 Wisconsin Act 143).*
38. Arson with intent to defraud. *Section 943.04, stats.*
39. Theft (under certain circumstances and if the value of the property does not exceed \$2,500). *Section 943.20 (3) (d), stats.*
40. Misappropriation of personal identifying information or personal identification documents. *Section 943.201 (2), stats. (as created by 1997 Wisconsin Act 101).*
41. Taking and driving a motor vehicle without owner's consent. *Section 943.23 (2), stats.*
42. Threats to injure or accuse of a crime (extortion). *Section 943.30, stats. (us affected by 1997 Wisconsin Act 231).*
43. Fraudulent writings. *Section 943.39, stats.*
44. Fraudulent destruction of certain writings. *Section 943.40, stats.*
45. Theft of telecommunications service (for direct or indirect commercial advantage or private financial gain as a 2nd or subsequent offense). *Section 943.45 (3) (d), stats.*
46. Theft of commercial mobile service (for direct or indirect commercial advantage or private financial gain as a 2nd or subsequent offense). *Section 943.455 (4) (d), stats. (as affected by 1997 Wisconsin Act 218).*
47. Theft of cable television service (for direct or indirect commercial advantage or private financial gain as a 2nd or subsequent offense). *Section 943.46 (4) (d), stats.*
48. Theft of satellite cable programming (for direct or indirect commercial advantage or private financial gain as a 2nd or subsequent offense). *Section 943.47 (3) (d), stats.*

49. Criminal slander of title. *Section 943.60 (1), stats. (as affected by 1997 Wisconsin Act 27).*
50. Crime against computers (if the damage is greater than \$2,500 or if it causes an interruption or impairment of governmental operations or public communication, of transportation or of a supply of water, gas or other public service). *Section 943.70 (2) (b) 3. or (3) (b) 3., stats.*
51. Obscenity (if the person has 2 or more prior obscenity convictions or if the violation is for a wholesale transfer or distribution of obscene material). *Section 944.21 (5) (c) and (e), stats.*
52. Soliciting prostitutes. *Section 944.32, stats.*
53. Keeping place of prostitution. *Section 944.34, stats.*
54. Bribery of participant in a contest. *Section 945.08 (1), stats.*
55. Bribery of public officers and employes. *Section 946.10, stats.*
56. Perjury. *Section 946.31 (1), stats.*
57. False swearing. *Section 946.32 (1), stats.*
58. Obstructing an officer (by giving providing information or evidence that results in conviction of innocent person). *Section 946.41 (2m), stats.*
59. Felony escape. *Section 946.42 (3), stats.*
60. Felony failure to report to jail. *Section 946.425 (1), (1m) (b) and (1r) (b), stats.*
61. Assisting or permitting escape. *Section 946.44 (1), stats.*
62. False information re: kidnapped or missing persons. *Section 946.48 (1), stats.*
63. Felony bail jumping. *Section 946.49 (1) (b), stats.*
64. Absconding after being adjudicated delinquent for a Class D felony. *Section 946.50 (4), stats.*
65. Bribery of a witness. *Section 946.61 (1), stats.*
66. Simulating legal process (if the act is meant to induce payment of a claim or simulates any criminal process). *Section 946.68 (1r) (b) and (c), stats. (as affected by 1997 Wisconsin Act 27).*
67. Impersonating a peace officer with intent to commit a crime or aid and abet commission of a crime. *Section 946.70 (2), stats.*
68. Tampering with public records. *Section 946.72 (1), stats.*
69. Aiding escape from mental institution (with intent to commit a crime against sexual morality with or upon the inmate of the institution). *Section 946.74 (2), stats.*
70. Harassment (if defendant has prior conviction or intentionally gains access to certain records in order to facilitate the violation) *Section 947.013 (1v) and (1x), stats.*
71. Physical abuse of a child (intentionally causing bodily harm). *Section 948.03 (2) (b), stats.*



72. Physical abuse of a child (recklessly causing great bodily harm or recklessly causing bodily harm to a child by conduct which creates a high probability of great bodily harm). Section 948.03 (3) (a) and (c), *stats.*

73. Failing to act to prevent bodily harm to a child. Section 948.03 (4) (b), *stats.*

74. Causing a child between the ages of 13 and 17 to view or listen to sexual activity. Section 948.055 (2) (b), *stats.*

75. Sexual assault of a student by a school instructional staff person. Section 948.095 (2), *stats.*

76. Abandonment of a child. Section 948.20, *stats.*

77. Unauthorized placement for adoption. Section 948.24 (1), *stats.* (as affected by 1997 Wisconsin Act 104).

78. Solicitation of a child to commit a Class C felony. Section 948.35 (1) (d), *stats.*

79. Contributing to the delinquency of a child (if the child's act which is encouraged or contributed to is a violation of a criminal law punishable as a felony). Section 948.40 (4) (b), *stats.*

80. Selling or giving a dangerous weapon to a person under 18 (if the person under 18 years of age under par. (b) discharges the firearm and the discharge causes death of any person). Section 948.60 (2) (c), *stats.*

81. Discharging or attempting to discharge a firearm in a school zone. Section 948.605 (3) (a), *stats.*

82. Receiving stolen property from a child (if the value of the property exceeds \$500 but does not exceed \$2,500). Section 948.62 (1) (b), *stats.*

83. Instigating fights between animals (2nd or subsequent violation). Section 951.18 (2), *stats.*

84. Harassment of police or fire department animals (causing death to the animal). Section 951.18 (2m), *stats.* (as affected by 1997 Wisconsin Act 27).

### **Class E Felonies**

A Class E felony committed before December 31, 1999, is punishable by a fine of not more than \$10,000 or imprisonment of not more than 2 years or both. A Class E felony committed on or after December 31, 1999, is punishable by a fine of not more than \$10,000 or imprisonment of not more than 5 years or both. Section 939.50 (3) (e), *stats.* (as affected by 1997 Wisconsin Act 283). The following crimes are Class E felonies:

1. Solicitation to commit a Class E felony. Section 939.30 (2), *stats.*

2. Violation of conditions of lifetime supervision (if the violation also constitutes a felony). Section 939.615 (7) (b) 2., *stats.* (as created by 1997 Wisconsin Act 275).

3. Homicide by negligent operation of vehicle. Section 940.10, *stats.* (as affected by 1997 Wisconsin Act 295).

4. Abortion (various prohibitions). *Section 940.15 (2), (5) and (6), stats.*
5. Aggravated battery (causing substantial bodily harm to another by an act done with intent to cause bodily harm). *Section 940.19 (2), stats.*
6. Aggravated battery to an unborn child (causing substantial bodily harm to an unborn child by an act done with intent to cause bodily harm). *Section 940.195 (2), stats. (us createdby 1997 Wisconsin Act 295).*
7. Battery by a person subject to certain injunctions. *Section 940.20 (lm) (a) and (b), stats.*
8. Battery to public officers. *940.20 (4), stats.*
9. Battery to technical college district or school district officer or employe. *Section 940.20 (5) (b), stats.*
10. Battery to public transit vehicle operator or passenger. *Section 940.20 (6) (b), stats.*
11. Injury by negligent handling of dangerous weapon, explosives or fire. *Section 940.24, stats. (as affected by 1997 Wisconsin Act 295).*
12. Intentional abuse of vulnerable adults under circumstances that cause or are likely to cause bodily harm. *Section 940.285 (2) (b) 2., stats.*
13. Reckless or negligent abuse of a vulnerable adult under circumstances that are likely to cause great bodily harm. *Section 940.285 (2) (b) 3., stats. (as affected by 1997 Wisconsin Act 180).*
14. Abuse of residents of penal facilities. *Section 940.29, stats.*
15. Intentionally abusing or neglecting patients or residents of certain facilities under circumstances that cause or are likely to cause bodily harm. *Section 940.295 (3) (b) 2., stats.*
16. Recklessly or negligently abusing or neglecting a patient or resident of certain facilities under circumstances that cause or are likely to cause great bodily harm. *Section 940.295 (3) (b) 3., stats. (as affected by 1997 Wisconsin Act 180).*
17. False imprisonment. *Section 940.30, stats.*
18. Stalking (if victim suffers bodily harm or defendant has prior conviction against same victim). *Section 940.32 (3), stats.*
19. Interfering with fire fighters or a fire alarm system. *Section 941.12 (1), stats.*
20. Endangering safety (by discharging firearm into a vehicle or building or setting a spring gun). *Section 941.20 (2), stats.*
21. Disarming a peace officer. *Section 941.21, stats.*
22. Selling, possessing, using or transporting a machine gun. *Section 941.26 (2) (a), stats.*
23. Sale or commercial transportation of a tear gas device. *Section 941.26 (2) (e), stats.*
24. Using or threatening to use a tear gas or pepper spray device during commission of a crime to cause bodily harm or bodily discomfort to another. *Section 941.26 (2) (g) and (4) (e), stats.*

25. Selling, transporting or possessing a short-barreled shotgun or rifle. *Section 941.28 (3), stats.*
26. Possession of firearm by certain persons. *Section 941.29 (2), stats.*
27. Selling, manufacturing or possessing an electric weapon. *Section 941.295 (1), stats.*
28. Using or possessing a handgun with armor piercing bullets during the commission of certain crimes. *Section 941.296 (2), stats.*
29. Selling, delivering or possessing a firearm silencer. *Section 941.298 (2), stats.*
30. Second-degree recklessly endangering safety. *Section 941.30 (2), stats.*
31. Making, transferring, possessing or using an improvised explosive device or possessing materials or components with intent to assemble an improvised explosive device, *Section 941.31 (2) (b), stats.*
32. Placing foreign objects in edibles. *Section 941.325, stats.*
33. Tampering with household products. *Section 941.327 (2) (b) 1., stats.*
34. False information concerning an act that constitutes tampering with household products. *Section 941.327 (3), stats.*
35. Obstructing emergency or medical personnel with reasonable grounds to believe that the interference may endanger another's safety. *Section 941.37 (3), stats.*
36. Soliciting a child to participate in criminal gang activity. *Section 941.38 (2), stats.*
37. Criminal damage to certain coin-operated or card-operated machines with intent to commit theft. *Section 943.01 (2g), stats.*
38. Criminal damage to or graffiti on religious and other property. *Section 943.012, stats.*
39. Arson of property other than building. *Section 943.03, stats.*
40. Possession, manufacture or transfer of a fire bomb. *Section 943.06 (2), stats.*
41. Possession of burglarious tools. *Section 943.12, stats.*
42. Theft (if value of the property exceeds \$1,000 but not \$2,500). *Section 943.20 (3) (b), stats.*
43. Theft of trade secrets. *Section 943.205 (3), stats.*
44. Fraud on hotel or restaurant keeper or taxicab operator (if the value of the service exceeds \$1,000). *Section 943.21 (3) (b), stats.*
45. Operating vehicle without owner's consent. *Section 943.23 (3), stats.*
46. Removing a major part of a vehicle without owner's consent. *Section 943.23 (5), stats.*
47. Issuing worthless checks for more than \$1,000. *Section 943.24 (2), stats.*
48. Transfer of encumbered property. *Section 943.25 (1) and (2), stats.*

49. Removing or damaging encumbered real property (if the security is impaired by more than \$1,000). *Section 943.26 (2), stats.*

50. Possession of records of certain usurious loans. *Section 943.27, stats.*

51. Threats to communicate derogatory information. *Section 943.31, stats.*

52. Receiving stolen property (if the value of the property exceeds \$1,000 but not more than \$2,500). *Section 943.34 (1) (b), stats.*

53. Fraudulent insurance or employe benefit claim (if the value of the claim or benefit exceeds \$1,000). *Section 943.395 (2) (b), stats.*

54. Certain financial transaction card crimes. *Section 943.41 (8) (b) and(c), stats.*

55. Theft of communications service (for direct or indirect commercial advantage or private financial gain). *Section 943.45 (3) (c), stats.*

56. Theft of commercial mobile service (for direct or indirect commercial advantage or private financial gain). *Section 943.455 (4) (c), stats. (as affected by 1997 Wisconsin Act 218).*

57. Theft of cable television service (for direct or indirect commercial advantage or private financial gain). *Section 943.46 (4) (c), stats.*

58. Theft of satellite cable programming (for direct or indirect commercial advantage or private financial gain). *Section 943.47 (3) (c), stats.*

59. Retail theft (if the value of the merchandise exceeds \$1,000 but not \$2,500). *Section 943.50 (4) (b), stats. (as affected by 1997 Wisconsin Act 262).*

60. Theft of library material (if the value of the library materials exceeds \$1,000 but not \$2,500). *Section 943.61 (5) (b), stats.*

61. Unlawful receipt of payments to obtain loan for another (if the value of the payment exceeds \$500 but does not exceed \$2,500). *Section 943.62 (4) (b), stats.*

62. Computer crime (if the offense is committed to defraud or to obtain property). *Section 943.70 (2) (b) 2. and (3) (b) 2., stats.*

63. Unauthorized release of animals (3rd or subsequent violation). *Section 943.75 (2), stats.*

64. Bigamy. *Section 944.05 (1), stats.*

65. Adultery. *Section 944.16, stats.*

66. Unlawful visual representations of nudity. *Section 944.205 (2), stats.*

67. Commercial gambling. *Section 945.03, stats.*

68. Dealing in gambling devices. *Section 945.05 (1), stats.*

69. Permitting seditious assembly. *Section 946.03 (2), stats.*

70. Flag desecration. *Section 946.05 (I), stats. (held to be unconstitutional by the Wisconsin supreme court in State v. Janssen, \_\_ Wis. 2d \_\_ (June 25, 1998)).*

71. Special privileges from public utilities. *Section 946.11 (I), stats.*

72. Misconduct in public office. *Section 946.12, stats.*

73. Private interest in public contracts. *Section 946.13 (I), stats.*

74. Purchasing claims at less than full value. *Section 946.14, stats.*

75. Public construction contracts at less than full rate. *Section 946.15 (1) and (3), stats.*

76. Failure to comply with officer's attempt to take person into custody. *Section 946.415 (2), stats.*

77. Harboring or aiding felons. *Section 946.47 (I), stats.*

78. Bail jumping by a witness. *Section 946.49 (2), stats.*

79. Absconding after being adjudicated delinquent for a Class E felony. *Section 946.50 (5), stats.*

80. Destruction of documents subject to subpoena. *Section 946.60 (1) and (2), stats.*

81. Communicating with jurors. *Section 946.64, stats.*

82. Obstructing justice. *Section 946.65 (1), stats.*

83. Simulating legal process. *Section 946.68 (Ir) (a), stats. (as affected by 1997 Wisconsin Act 27).*

84. Falsely assuming to act as a public officer or employe. *Section 946.69 (2), stats. (as affected by 1997 Wisconsin Act 27).*

85. Premature disclosure of search warrant. *Section 946.76, stats.*

86. Harassment (if the person had a prior conviction for harassing the same victim that occurred within the last 7 years). *Section 947.013 (It), stats.*

87. Bomb scares. *Section 947.015, stats.*

88. Physical abuse of a child (recklessly causing bodily harm). *Section 948.03 (3) (b), stats.*

89. Exposing a child to harmful material. *Section 948.11 (2) (a), stats.*

90. Exposing a child to harmful narratives or descriptions. *Section 948.11 (2) (am), stats. (as created by 1997 Wisconsin Act 82).*

91. Possession of child pornography. *Section 948.12, stats.*

92. Failure to support (for 120 or more consecutive days). *Section 948.22 (2), stats.*

93. Concealing death of child. *Section 948.23, stats.*

94. Interference with custody of a child. *Section 948.31 (2), stats. (as affected by 1997 Wisconsin Act 290).*

95. Hazing (if the act results in great bodily harm or death to another). *Section 948.51 (3) (b), stats.*

96. Giving a dangerous weapon to a person under 18 years of age. *Section 948.60 (2) (b), stats.*

97. Possession of a dangerous weapon on school premises (2nd or subsequent conviction). *Section 948.61 (2) (b), stats.*

98. Receiving stolen property from a child (if the value does not exceed \$500). *Section 948.62 (1) (a), stats.*

99. Mistreating an animal (if mistreatment results in the mutilation, disfigurement or death of the animal or if the animal is a police or fire department animal and the animal is injured). *Section 951.18 (l), stats.*

100. Exposing a domestic animal to poisonous or controlled substances (if the animal is a police or fire department animal and the animal is injured). *Section 915.18 (1), stats.*

101. Instigating fights between animals (1st offense). *Section 951.18 (2), stats.*

102. Harassment of police or fire department animal and causing injury to the animal. *Section 951.18 (2m), stats. (as affected by 1997 Wisconsin Act 27).*

### **Unclassified Felonies**

There are a few crimes in the criminal code that are not given a Class A, B, BC, C, D or E classification. Thus, the penalty for each such crime is specified without reference to an existing classification. The following crimes are unclassified felonies:

1. Abortion (“feticide”) by a person other than the pregnant woman. Punishable by a fine of not more than \$5,000 or imprisonment of not more than 3 years or both. *Section 904.04 (1), stats.*

2. Abortion (“feticide”) of an unborn quick child by a person other than the pregnant woman; causing the death of the mother by an act done to destroy her unborn child. Punishable by imprisonment of not more than 15 years. *Section 904.04 (2), stats.*

3. Abortion by a pregnant woman. Punishable by imprisonment of not more than 2 years. *Section 904.04 (4), stats.*

4. Engaging in a continuing criminal enterprise. If committed before December 31, 1999, punishable by imprisonment of not less than 10 years nor more than 20 years and a fine of either: a) not more than \$10,000; or b) 2 times the gross value gained or 2 times the gross loss caused by the enterprise. If committed on or after December 31, 1999, punishable by imprisonment of not less than 10 years nor more than 30 years and a fine of either: a) not more than \$10,000; or b) 2 times the gross value gained or 2 times the gross loss caused by the enterprise. *Section 946.85 (1), stats. (as affected by 1997 Wisconsin Act 283).*



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
P. O. BOX 2037  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION (606) 266-3561  
LEGAL FAX (608) 264-8522

REFERENCE SECTION (608) 266-0341  
REFERENCE FAX (608) 266-5648

## MEMORANDUM

**To:** Interested persons

**From:** Jefren E. Olsen, Legislative Attorney, (608) 266-8906

**Subject:** Class A misdemeanors in the Wisconsin Criminal Code (chapters 939 to 951)

**Date:** July 3, 1998

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**What this list contains:** The following is a list of Class A misdemeanors contained in the Wisconsin criminal code, which is comprised of chapters 939 to 951 of the Wisconsin Statutes. The penalty for a Class A misdemeanor is a fine of not more than \$10,000 or imprisonment for not more than 9 months or both. *Section 939.51 (3) (a), stats.*

The list is in ascending order of statutory citation. The list gives a common name for or short description of the Class A misdemeanor and the statutory citation for the Class A misdemeanor. The list does not generally provide a detailed recital of the elements of the Class A misdemeanor (that is, what a prosecutor must prove to secure a conviction against someone charged with the Class A misdemeanor). To find out what those elements are, you will have to look at the cited statute.

**What this list does NOT contain:** The following list does not include any Class B or C misdemeanor (the 2 other misdemeanor classifications in the criminal code), nor does it include any misdemeanor contained in a statutory provision that is outside the criminal code.

**When this list was last updated:** The following list was updated on the date indicated above and is current through 1997 Wisconsin Act 338. Thus, any Class A misdemeanor created by any later act of the legislature is not included. Likewise, if the penalty provided for an existing Class A misdemeanor has been changed by any later act of the legislature, that change is not reflected in this list.

**Note:** The current printed version of the Wisconsin Statutes will not reflect any changes made in a statute by 1997 Wisconsin Acts 1 through 338 and will not include any Class A misdemeanor created by 1997 Wisconsin Acts 1 through 338. Thus, to see the most current version of a Class A misdemeanor affected or created by an act of the 1997 legislature, you will have to look at the 1997 Act referred to in the list as affecting or creating the specific Class A misdemeanor.

The following crimes are Class A misdemeanors:

1. Attempting to commit battery to a law enforcement officer, fire fighter, probation or parole agent or aftercare agent. *Section 939.32 (1) (b), stats.*

2. Violating a condition of lifetime supervision. *Section 939.615 (7) (b) 1., stats. (us created by 1997 Wisconsin Act 275).*

3. Simple battery (causing bodily harm to another by an act done to cause bodily harm). *Section 940.19 (1), stats.*

4. Simple battery to an unborn child (causing bodily harm to an unborn child by an act done to cause bodily harm to the unborn child, the pregnant woman or another). *Section 940.195 (1), stats. (as created by 1997 Wisconsin Act 295).*

5. Failure to report suspected sexual exploitation by a therapist. *Section 940.22 (3) (d), stats.*

6. Unauthorized release of confidential information concerning sexual exploitation by a therapist. *Section 940.22 (4) (d), stats.*

7. Fourth degree sexual assault. *Section 940.225 (3m), stats.*

8. Recklessly or negligently subjecting a vulnerable adult to maltreatment under circumstances causing or likely to cause bodily harm. *Section 940.285 (2) (b) 4., stats. (as affected by 1997 Wisconsin Act 180).*

9. Intentional failure by a law enforcement officer to render first aid to a person in custody, if bodily harm results from the failure; knowingly permitting such a failure. *Section 940.291 (1) and (2), stats.*

10. Recklessly or negligently abusing or neglecting a patient or resident of certain facilities under circumstances causing or likely to cause bodily harm. *Section 940.295 (3) (b) 4., stats. (as affected by 1997 Wisconsin Act 180).*

11. Stalking. *Section 940.32 (2), stats.*

12. Intimidation of a witness. *Section 940.42, stats.*

13. Intimidation of a victim. *Section 940.44, stats.*

14. Endangering safety by negligent operation of a vehicle. *Section 941.01 (1), stats.*

15. Negligent handling of burning material. *Section 941.10 (1), stats.*

16. Interfering or tampering with, or removing without authorization, a fire extinguisher, fire hose or other fire fighting equipment. *Section 941.12 (2), stats.*

17. Giving a false fire alarm. *Section 941.13, stats.*

18. Endangering safety by negligent handling of a dangerous weapon, by handling or going armed with a firearm while intoxicated, by pointing a firearm at another or by discharging a firearm within 100 yards of a dwelling. *Section 941.20 (1), stats.*

19. Carrying a concealed weapon. *Section 941.23, stats.*

20. Carrying a handgun on premises where alcohol beverages may be sold and consumed. *Section 941.237 (2), stats.*

21. Manufacture, transportation, sale or possession of a switchblade knife. *Section 941.24 (1), stats.*



22. Unauthorized possession, noncommercial transportation or use of a container for tear gas or similar substance. *Section 941.26 (2) (c), stats.*

23. Intentionally using a pepper spray device to cause bodily harm or bodily discomfort to another. *Section 941.26 (4) (b), stats.*

24. Intentionally offering a pepper spray device for sale in a place where customers have direct access to the device. *Section 941.26 (4) (h), stats.*

25. Intentionally selling a pepper spray device that does not meet safety rules promulgated by the department of justice. *Section 941.26 (4) (i) l., stats.*

26. Intentionally selling a pepper spray device without providing the purchaser with proper labelling, safety instructions or packaging. *Section 941.26 (4) (j) l., stats.*

27. Possession of a pepper spray device by a person convicted of a felony. *Section 941.26 (4) (L), stats.*

28. Unlawful possession or inhalation of nitrous oxide. *Section 941.315 (2), stats. (as created by 1997 Wisconsin Act 336).*

29. Obstructing emergency medical personnel who are performing duties relating to an emergency or rescue. *Section 941.37 (2), stats.*

30. Violating a court order to refrain from contacting a criminal gang member. *Section 941.38 (3), stats.*

31. Criminal defamation. *Section 942.01 (l), stats.*

32. Giving false information for publication with intent to injure another. *Section 942.03, stats.*

33. Unauthorized opening of a letter or package; publishing the contents of a letter or package opened without authorization. *Section 942.05, stats.*

34. Criminal invasion of privacy. *Section 942.08, stats. (as created by 1997 Wisconsin Act 271).*

35. Simple criminal damage to physical property of another. *Section 943.01 (1), stats.*

36. Simple graffiti damage. *Section 943.017 (1), stats.*

37. Criminal damage to railroad property (including shooting a firearm at a train). *Section 943.07 (1) and (2), stats.*

38. Entry into a locked vehicle with intent to steal. *Section 943.11, stats.*

39. Entry into a locked coin box; possession of tools for breaking into a locked coin box. *Section 943.125 (1) and (2), stats.*

40. Criminal trespass to a dwelling. *Section 943.14, stats.*

41. Entry onto a construction site or a locked and enclosed building, dwelling or room. *Section 943.15 (1), stats.*

42. Theft (if the value of the property does not exceed \$1,000). *Section 943.20 (3) (a), stats.*
43. Transfer of recorded sounds for unlawful use (2nd offense). *Section 943.207 (3) (a), stats.*
44. Fraud on hotel or restaurant keeper or taxicab operator (if the value of the good or service does not exceed \$1,000). *Section 943.21 (3) (a), stats.*
45. Absconding without paying rent. *Section 943.215 (1), stats.*
46. Riding as a passenger in a vehicle knowing that the vehicle is being operated without the owner's consent. *Section 943.23 (4m), stats.*
47. Intentionally removing a part of a vehicle (other than a major part) without the owner's consent. *Section 943.23 (5), stats.*
48. Issuance of worthless check of not more than \$1,000. *Section 943.24 (1), stats.*
49. Removing or damaging encumbered real property (if the security is impaired by not more than \$1,000). *Section 943.26 (1), stats.*
50. Receiving stolen property (if the value of the property does not exceed \$1,000). *Section 943.34 (1) (a), stats.*
51. Alteration of property identification marks. *Section 943.37, stats.*
52. Misdemeanor forgery. *Section 943.38 (3), stats.*
53. Fraudulent computer data alteration. *Section 943.392, stats.*
54. Fraudulent insurance and employe benefit program claims (if the value of the claim or benefit does not exceed \$1,000). *Section 943.395 (2) (a), stats.*
55. Certain financial transaction card crimes. *Section 943.41 (8) (a) and(c), stats.*
56. Retail theft (if the value of the merchandise does not exceed \$1,000). *Section 943.50 (4) (a), stats. (us affected by 1997 Wisconsin Act 262).*
57. Theft of library material (if the value of the material does not exceed \$1,000). *Section 943.61 (5) (a), stats.*
58. Unlawful receipt of payments to obtain loan for another (if the value of the payment does not exceed \$500). *Section 943.62 (4) (a), stats.*
59. Certain computer crime. *Section 943.70 (2) (b) 1. and (3) (b) 1., stats.*
60. Unauthorized release of animals (2nd offense). *Section 943.75 (2), stats.*
61. Fornication (having sexual intercourse in public). *Section 944.15, stats.*
62. Sexual gratification. *Section 944.17, stats.*
63. Lewd and lascivious behavior. *Section 944.20, stats.*
64. Violations relating to obscene materials or performances (if the person has a prior obscenity conviction). *Section 944.21 (5) (b), stats.*

65. Prostitution. *Section 944.30, stats.*
66. Patronizing prostitutes. *Section 944.31, stats.*
67. Pandering. *Section 944.33 (1), stats.*
68. Permitting premises to be used for commercial gambling. *Section 945.04, stats.*
69. Gambling by participants in a contest. *Section 945.07, stats.*
70. Acceptance of a bribe by a participant in a contest. *Section 945.08 (2), stats.*
71. Improper use of the flag. *Section 946.06, stats.*
72. Using corrupt means to influence legislation. *Section 946.17, stats.*
73. Misdemeanor false swearing. *Section 946.32 (2), stats.*
74. Resisting or obstructing an officer. *Section 946.41 (1), stats.*
75. Misdemeanor escape. *Section 946.42 (2), stats.*
76. Misdemeanor failure to report to jail. *Section 946.425 (1m) (a) and (1r) (b), stats.*
77. Encouraging violation of probation, parole or extended supervision. *Section 946.46, stats. (as affected by 1997 Wisconsin Act 283).*
78. Misdemeanor bail jumping. *Section 946.49 (1) (a), stats.*
79. Violation of a juvenile court's nonsecure custody order. *Section 946.495, stats. (as created by 1997 Wisconsin Act 328).*
80. Absconding after being adjudicated delinquent for a Class A misdemeanor. *Section 946.50 (6), stats.*
81. Compounding crime. *Section 946.67 (1), stats.*
82. Impersonating a peace officer. *Section 946.70 (1), stats.*
83. Aiding escape from a mental health institution. *Section 946.74 (1), stats.*
84. Denial of a person's right to counsel. *Section 946.75, stats.*
85. Harassment (if accompanied by threat that places victim in reasonable fear of death or great bodily harm or if the actor is subject to an order or injunction prohibiting contact with the victim). *Section 947.013 (1 r), stats.*
86. Failing or refusing to withdraw from an unlawful assembly. *Section 947.06 (3), stats.*
87. Sexual intercourse with a child age 16 or older. *Section 948.09, stats.*
88. Exposing genitals or pubic area of a child or to a child. *Section 948.10 (1), stats,*
89. Possession of material harmful to a child with intent to transfer the material to a child. *Section 948.11 (2) (b), stats.*

90. Neglect of a child. *Section 948.21 (1), stats.*
91. Failure to support a child (for less than 120 consecutive days). *Section 948.22 (3), stats.*
92. Contributing to the delinquency of a child. *Section 948.40 (4), stats.*
93. Hazing that results or is likely to result in bodily harm. *Section 948.51 (3), stats.*
94. Recklessly leaving a loaded firearm within reach or access of a child (if the child obtains the firearm and discharges it and the discharge causes bodily harm or death). *Section 948.55 (2), stats.*
95. Possession of a dangerous weapon by a person under age 18. *Section 948.60 (2) (a), stats.*
96. Possession of a firearm in a school zone. *Section 948.605 (2) (a), stats.*
97. Possession of a dangerous weapon other than a firearm on school premises. *Section 948.61 (2) (a), stats.*
98. Receiving property from a child without parental consent. *Section 948.63, stats.*
99. Intentional or negligent violation of various crimes against animals. *Section 951.18 (1), stats.*
100. Being a spectator at an animal fight; owning or training an animal during 5-year period after being convicted of instigating animal fights. *Section 951.18 (2), stats.*
101. Intentionally or negligently harassing a police or fire animal. *Section 951.18 (2m), stats. (as affected by 1997 Wisconsin Act 27).*

## **Olsen, Jefren**

**From:** Brennan, Mike [BrennM@mail.state.wi.us]  
**Sent:** Wednesday, July 29, 1998 10:34 AM  
**To:** Sen.Huelsman; 'gregory t. evens'; 'julie Schultz -- sec'y to Jim Doyle'; 'steve hurley'; 'tom hammer'; 'Walter dickey'  
**cc:** Hoesly, Bruce; Olsen, Jefren; Albino, David L -DOC; Simonson, Stewart  
**Subject:** CPSC -- 1st Meeting

### MEMORANDUM

**TO:** Criminal Penalties Study Committee Members  
**FROM:** Michael B. Brennan, Staff Counsel  
**DATE:** Wednesday, July 29, 1998  
**RE:** First Meeting

Due to his attendance at the ABA meeting in Toronto, committee chairman Judge Thomas Barland has asked me, with his authority, to alert you of the committee's first meeting date: Friday, August 28, 1998 at 10:00 a.m. at the State Capitol, Rm. 328 NW.

In the near future, I will send you a preliminary package of materials.

Please feel free to contact me with any questions at:

Criminal Penalties Study Committee  
819 N. 6th St., Rm. 834  
Milwaukee, WI 53203  
(P) (414) 227-5102  
(F) (414) 227-5104  
brennm@mail.state.wi.us

Olsen, Jefren

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**From:** Brennan, Mike [mike.brennan@doa.state.wi.us]  
**Sent:** Tuesday, August 11, 1998 4:53 PM  
**cc:** Olsen, Jefren; Grapentine, Mark; Albino, David L -DOC; Simonson, Stewart  
**Subject:** First CPSC Meeting -- Proposed Agenda

MEMORANDUM

**TO:** Criminal Penalties Study Committee Members  
**FROM:** Michael B. Brennan. Staff Counsel  
**DATE:** Tuesday, August 11, 1998  
**RE:** Proposed Agenda for First Meeting

Committee Chair Judge Barland has asked that I circulate the attached proposed agenda for the committee's first meeting on August 28, 1998.

Please direct comments, suggestions, additions, and criticisms to me at the information below. Thank you.

Criminal Penalties Study Committee  
819 N. 6th St., Rm. 834  
Milwaukee, WI 53203  
(P) (414) 227-5102  
(F) (414) 227-5104  
brennm@mail.state.wi.us

CRIMINAL PENALTIES STUDY COMMITTEE  
Agenda  
August 28, 1998

1. Call to order and getting acquainted -- Chair Thomas Barland
2. A look at the new law -- Summary of 1997 Wisconsin Act 283 -- staff counsel Michael Brennan
3. A review of Wisconsin's probation and prison trends under determinate and indeterminate sentencing -- Department of Corrections Secretary Michael Sullivan
4. A look at what is happening in other determinate sentencing states -- Prof Michael Tonri of Prof Walter Dickey
5. A summary of issues facing the committee -- Chair Thomas Barland
6. Committee discussion items:
  - a. How should the committee go about its work?  
Subcommittee vs. committee as a whole?
  - b. What does the committee want to know?
  - c. What states and consultants would the committee

*- Shift of Discretion*  
*- Delaware ≠ "32" sentence*  
*-- Minnesota*

like to hear from?

d. Other committee suggestions relating to its study

7. Public comments, limited to 15 minutes

8. Housekeeping matters including future meeting dates

9. Adjournment

## Olsen, Jefren

**From:** Brennan, Mike [mike.brennanQdoa.state.wi.us]  
**Sent:** Wednesday, September 23, 1998 4:44 PM  
**To:** 'aaron nathans -- capital times'; Korbitz, Adam; Statz, Andrew; **Grosshans,Bill,DOC**; Archer Cindy; 'david albino'; 'ed bloom -- wis. assoc. criminal defense lawyers'; 'george mitchell'; 'gwen mccutcheon -- premium business services'; Olsen, Jefren; 'jim villa -- sen. darling's office'; Grapentine, Mark; '**marline pearson -- matc**'; 'matt bromley -- state bar -- govt. relations': '**prof. michael** smith  
**Subject:** Criminal Penalties Study Committee

Below please find:

(1) the agenda for the next meeting of the Criminal Penalties Study Committee, which will take place on October 2, 1998 at **9:30** a.m. in Room 417N of the State Capitol Building; and

(2) the minutes from the committee's first meeting on August 28, 1998.

I can be contacted at mike.brennanQdoa.state.wi.us, or (414) 227-5102, with any questions.

Mike Brennan

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**AGENDA AND NOTICE OF MEETING  
STATE OF WISCONSIN  
CRIMINAL PENALTIES STUDY COMMITTEE**

Friday, October 2, 1998  
**9:30** a.m.

Rm. 417N  
Grand Army of the Republic Room  
State Capitol Building  
Madison, Wisconsin

1. Call to order - Chair Thomas **Barland**
2. Consideration of minutes of August 28, 1998 meeting
3. An overview of fundamental issues in sentencing practices - Kay Knapp, consultant and former director of the Minnesota Sentencing Commission
4. Committee members' comments, suggestions, and questions
5. Presentation on the state of community corrections in Wisconsin

William Grosshans, administrator of **DOC's** Division of Community Corrections

6. Public comments - limited to 15 minutes.
7. Subcommittees meet to discuss their tasks and plan their work:
  - a. Criminal Code Reclassification Subcommittee



- b. Sentencing Guidelines Subcommittee
- c. Extended Supervision Revocation Subcommittee

- 8. Committee as a whole to receive subcommittee reports
- 9. Approval of further meeting schedule; housekeeping matters and adjournment.

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Criminal Penalties Study Committee

August 28, 1998 Meeting Minutes  
Room 328 NW, State Capitol Building, Madison, Wisconsin

Chair Judge Thomas **Barland** called the meeting to order at **10:30** a.m. The meeting began ½ hour late due to an automobile accident on the interstate highway from Milwaukee to Madison, delaying the arrival of certain Milwaukee committee members. After preliminary comments by Judge Barland, the committee members introduced themselves.

Staff counsel Mike Brennan summarized 1997 Wisconsin Act 283, the truth-in-sentencing law under which the Committee was formed, using overheads. His presentation covered four areas: (1) the increases in the maximum penalties; (2) the restructuring of felony sentences; (3) this committee's charge; and (4) a brief legislative history.

Judge **Barland** gave the members an overview of the committee's work thus far. He described his attendance at the National Sentencing Commission Convention in Minneapolis, Minnesota in late July 1998, as well as other meetings and informal telephone conferences held to set up the administrative structure of the committee and to discuss the problems the committee faced and to chart a course of action. He also described his trip to North Carolina with a team from the Wisconsin Department of Corrections to study the operation of the North Carolina determinate sentencing system and the computer software servicing that system.

Committee member professor Walter Dickey gave an overview of what is happening in determinate sentencing systems. He discussed the history of Wisconsin's indeterminate sentencing system, and its old sentencing guideline system and sentencing commission. He also spoke about the federal sentencing guidelines, fact bargaining, intermediate sanctions as a third sentence beyond prison and probation, and mandatory minimum sentences.

Department of Corrections Secretary Michael Sullivan gave a presentation using overheads reviewing Wisconsin's probation and prison trends. (The overheads were duplicated in a handout to the membership, which is part of the Committee's files.) He discussed the increase in prison population, sending inmates out of state, the increase in the department's budget, and prison population and bed-space projections. He also spoke about county-jail bed space, and the prison population's effect upon that. Secretary Sullivan fielded numerous questions from committee members concerning his presentation and the state of corrections in Wisconsin.

The committee broke for one-half hour for lunch, from **12:30** to 1:00 p.m.

Upon reconvening, Professor Michael Smith from University of Wisconsin Law School gave a short computer presentation to the committee concerning prison population and costs. He utilized

previously-developed software to show how projections may be made for prison populations and costs.

Judge **Barland** summarized some issues facing the committee. He made a presentation using overheads, in which he discussed North Carolina's sentencing system as an example.

Judge **Barland** raised certain items to be discussed by the committee. First, the members discussed the format for the committee's work: in subcommittees, or as a committee of the whole. Judge Elsa Lamelas expressed reservations about subcommittees, given the diversity and talents of the committee members. Professor Tom Hammer, the committee's reporter, expressed his support for subcommittees based on smaller groups accomplishing more work. Attorney Steve Hurley observed that criminal code reclassification and sentencing guidelines were intertwined. Various committee members expressed their desires to participate in the work of more than one of the three proposed subcommittees: (1) criminal code reclassification; (2) sentencing guidelines; and (3) intermediate sanctions. District Attorney Mike McCann mentioned how certain issues lend themselves to subcommittee work, like criminal code reclassification, while others might not. Judge Diane Sykes observed that the reclassification of crimes should be done before the sentencing guidelines can be drafted, as an appropriate range of penalties for a crime cannot be arrived at until it is known how that crime will be classified. Walter Dickey offered that a subcommittee could counsel the committee as a whole by examining the topic assigned it and then presenting options concerning that topic to the committee as a whole. Steve Hurley liked that suggestion.

Judge Mike Malmstadt mentioned that given the short time in which the committee is to complete its work, on the issue of sentencing guidelines, perhaps the committee should examine the old Wisconsin sentencing guidelines and the work of the previous state sentencing commission. Mike Brennan pointed out that the underlying data of the sentencing commission is not accessible due to antiquated computer software, but that the commission's published reports and findings are available. Judge Pat Fiedler observed that, under Act 283, intermediate sanctions is not one of the six tasks of the committee. Senator Joanne Huelsman spoke concerning the viability of intermediate sanctions as a proposal to the legislature. The committee discussed Representative Scott Walker's letter on the issue of intermediate sanctions. Judge Sykes offered her view of the committee's six charges. Judges Fiedler, Lamelas, and Sykes discussed what the law and legislature sought to do on the issue of revocation of the extended supervision component of the bifurcated sentence. Mike McCann expressed serious reservations concerning the large number of prisoners which will result under the law. Tom Hammer favored reading the committee's charges broadly to include an intermediate sanctions component. Judge Malmstadt **discussed** probation, its effectiveness, and Walter Dickey spoke about the large percentage of the prison population resulting from revocation.

Steve Hurley said he took the committee's title to mean that the committee should study criminal penalties. He proposed the committee (1) break down into subcommittees to study various options to present to the committee, then (2) the subcommittees report back to the committee for specific direction, with the committee always overviewing the subcommittees' work. Judge **Barland** took Steve Hurley's comments as a motion, Mike McCann seconded it, and the motion was passed by voice vote unanimously.

Steve Hurley moved that the initial three subcommittees described above be established. Tom Hammer seconded that. Judge Fiedler questioned which subcommittee would gather information on changing the administrative rules of the DOC as it relates to violations

of extended supervision. Senator Huelsman suggested that the third subcommittee study that issue rather than intermediate sanctions. Judge **Barland** found that a sensible solution. The committee voted unanimously by voice vote to establish three subcommittees studying: (1) criminal code reclassification; (2) sentencing guidelines; and (3) extended supervision revocation. Judge **Barland** proposed that he review the committee members' requests for subcommittee membership, as well as name the subcommittee chairs.

Judge **Barland** asked whether any members of the public wished to offer any comments on the committee's proceedings that day. None did.

Judge **Barland** covered some housekeeping matters: travel vouchers were distributed, the committee's meeting schedule was discussed, as was future speakers. The committee members offered their thoughts on a meeting time for future meetings, and it was agreed that future meetings would begin at **9:30** a.m. At **3:45** p.m., Judge **Barland** declared the meeting adjourned until the next committee meeting on Friday, October 2, 1998, in Madison, Wisconsin, at the State Capitol Building.

10/16 full comm.  
next mtg.  
9.

**CRIMINAL PENALTIES**  
**STUDY COMMITTEE**

*Subcommittee Assignments As Of September 29, 1998*

1. Criminal Code Reclassification - chair Hammer, Chiarkis, Doyle, Huelsman, Hurley, Sykes (6)
2. Sentencing Guidelines - chair Lamelas, Dickey, Everts, Hurley, McCann, Malmstadt, Pugh, Wells (8)
3. Extended Supervision Revocation - chair Fiedler, Gehring, Jenkins, Powell, Sykes (5)

Committee chair Judge Barland will sit on each of the subcommittees.

① List of enhancers → b/c parts of guidelines  
- inside / outside ? (eg, 2d offense)  
code

② Ohio manual - "neutral transition" of existing  
crimes <sup>classes</sup> to new classes

\* ③ Nonstat (?) from '78 classification legislation  
- classification criteria

## **Olsen, Jefren**

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**From:** Brennan, Mike [mike.brennan@doa.state.wi.us]  
**Sent:** Wednesday, October 14, 1998 10:19 AM  
**To:** 'aaron nathans -- capital times'; Korbitz, Adam; Statz, Andrew; Grosshans, Bill; Archer, Cindy; 'david albino'; 'ed bloom -- wis. assoc. criminal defense lawyers'; 'george mitchell'; 'gwen mccutcheon -- premium business services'; Olsen, Jefren; Bauer Jr., Jere; 'john cappe? -- stu syminson's minion'; Grapentine, Mark; 'marline pearson -- matc'; 'matt bromley -- state bar -- govt. relations'; Sullivan, Michael; 'prof. michael smith'; 'Jessica Weltman'  
**Subject:** Minutes of 10/2/98 CPSC Meeting -- Agenda of 1 O/I 6/98 CPSC Meetin g  
**Importance:** High

Interested persons:

Below please find the minutes of the October 2, 1998 Criminal Penalties Study Committee meeting, as well as an agenda for the October 16, 1998 meeting.

Also, for your information, please find a list of issues formulated by the Sentencing Guidelines subcommittee.

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### Criminal Penalties Study Committee

October 2, 1998 Meeting Minutes  
Room 417N, State Capitol Building, Madison, Wisconsin

Chair Judge Thomas **Barland** called the meeting to order at 9:30 a.m. Present were: Judge Barland; Nicholas Chiarkis; Assistant Attorney General Matt Frank on behalf of Attorney General James Doyle; Greg **Everts**; Judge Patrick Fiedler; Brad Gehring; Thomas Hammer, the committee's reporter; Senator Joanne Huelsman; Steve Hurley; William Jenkins; Judge Elsa Lamelas; Judge Mike Malmstadt; Mike McCann; Barbara Powell; Judge Diane Sykes; and Judge Lee Wells. Committee members not present were Walter Dickey, who had a previously scheduled meeting in Washington D.C., and Linda Pugh, who experienced car trouble.

At the suggestion of Judge Elsa Lamelas, the minutes from the August 28, 1998 meeting were amended to include those members who attended: Judge **Barland**; Nicholas Chiarkis; Walter Dickey; Assistant Attorney General Sally **Wellman** on behalf of Attorney General James Doyle; Greg **Everts**; Judge Fiedler; Brad Gehring; Tom Hammer; Senator Joanne Huelsman; Steve Hurley; Judge Lamelas; Judge Malmstadt; Mike McCann; Barbara Powell; Linda Pugh; Judge Sykes; and Judge John DiMotto on behalf of Judge Lee Wells. Committee member Bill Jenkins could not attend due to a previous commitment.

Judge **Barland** asked the two members not present at the first meeting, Judge Wells and Bill Jenkins, to introduce themselves. They did so. Judge Wells suggested that this committee work closely with the redrafting of the criminal procedure code in Wisconsin. Judge **Barland** stated that he had contacted Dave Schultz, a member of the procedure committee, to coordinate the activities of the two committees.

Judge **Barland** noted how a meeting schedule has been set up such that no more than two members would be absent on any one date. Staff counsel Mike Brennan updated the committee on the study of computer software to project prison population and costs. He noted the difference between prison population control programs and the projection-capable software the committee will require. Within the latter, he noted the difference between

the data-intensive microsimulation model, which tracks each offender in the system and estimates how long the offender will serve, and the flow model, which projects by examining the intake flow of prisoners. He discussed the costs of various models, and briefly reviewed the computer software employed by North Carolina, Virginia, and Ohio in their truth-in-sentencing efforts. Secretary of Corrections Mike Sullivan said that the Department of Corrections is considering adopting North Carolina's prison population software. He did not know when that might occur. Judge Barland also commented briefly on his efforts to check whether CCAP can be used in the effort to project prison population and costs. He said that every county except for Outagamie, Wood, and Portage is included in CCAP. Milwaukee County is on CCAP, but not yet hooked into the statewide network. Judge Barland relayed the subcommittee assignments, which were distributed by handout, a copy of which is in the committee's files. Judge Barland mentioned that two committee members are serving on two committees, partly out of interest and willingness to do so, and partly out of a need to get the person's background and expertise on more than one committee.

Judge Barland turned to the meeting's presenter, Kay Knapp of Minneapolis, Minnesota. Judge Barland gave Ms. Knapp's background, and each committee member was given a copy of Ms. Knapp's presentation to the National Association of Sentencing Commissions, as well as a law review article she wrote on the allocation of discretion in sentencing decisions.

Ms. Knapp gave an overview of determinate sentencing problems and development, drawing on the Minnesota experience. She said that truth-in-sentencing is "easier said than done." She posed two questions: (1) what does it take to implement and maintain truth-in-sentencing, and (2) how does a sentencing system retain judicial discretion? She surveyed briefly the experiences of other states in answering these questions.

Ms. Knapp relayed five features necessary to implement and maintain truth-in-sentencing: (1) some level of predictability in sentences and proportionality in sentences; (2) good information on sentencing practices; (3) good and timely projections and projection methodology; (4) an institutionalized, regular way to get feedback to the legislature concerning resource needs; and (5) legislative action to keep sentencing practices and resources balanced.

Ms. Knapp said there are two different values that underlie truth-in-sentencing: (a) moving discretion to the front end of the system; and (b) ensuring that correctional resources are not exceeded. She said that while prosecutors and judges are concerned with (a), and corrections officials with (b), a sentencing commission can be concerned with both values necessary for truth-in-sentencing.

Ms. Knapp discussed each of the five features listed above. She said that sentencing commissions usually do a good job, under legislative direction, of setting priorities among crimes and ranges of appropriate sanctions for levels of crimes. She said that good information on sentencing practices is difficult to secure, so the more sentences are simplified, the better. She also said that sentencing discretion must be relatively focused: too many variables results in dispersion of decisions and difficulty in monitoring prison population and costs. As for projection capabilities, she said that anything that worked for the committee is good. She favors microsimulation models because of the specificity they allow. The key is to have the information brought to the legislature in a timely manner. Once prison overcrowding occurs, there is not time to build new prisons, or time to modify sentencing practices and let those practices filter through the system. If you wait until the problem is upon you, you only have one option: release. The point of timely projections is to see enough into the future to give the legislature the information so they have the full range of options. For the fourth factor, she favors regular reporting by the sentencing commission to the legislature which allows the legislature to

involve itself in the projections. Once this is institutionalized, the legislature may balance the resources, the fifth factor.

Ms. Knapp moved to the second question: providing judges with sentencing discretion. Truth-in-sentencing means moving discretion from the back-end to the front-end of the system, and that means to prosecutors and judges. She offered that it is important to maintain judicial discretion because the judiciary is the most accountable discretionary point in the system. What judges do is more public than what prosecutors do. Judicial discretion is maintained not by whether or not a sentencing grid is used. The way crimes are defined and the penalty provisions in the criminal code do affect it. The less specificity in crimes, for example, types of battery, the less discretion prosecutors have and the more discretion judges have. The number of penalty enhancers has the same result as well. As for guidelines, judges' discretion can be enhanced by using the "typical case concept," pursuant to which crimes are assigned guideline ranges based on the typical case, rather than choosing guidelines based upon elements, as are the federal sentencing guidelines. She warned against using the statutory maximum of a crime as the top end of a guideline, because while you want to ensure that the worst case of a crime can be handled under the maximum penalty in a particular code classification, most cases will not be a worst case.

After a ten-minute coffee break at 10:45 a.m., Ms. Knapp answered a series of questions from the committee members. Judge Lamelas inquired about how an offense is assigned a sentencing guideline using the typical case concept. Ms. Knapp responded that it was approached holistically, not looking to the elements of the crime, but by letting the judge and other courtroom actors estimate. Judge Malmstadt wondered whether Ms. Knapp was describing a portion of the former Wisconsin sentencing guidelines. She was not familiar with the guidelines. Judge Malmstadt thought the system she had described was similar to Wisconsin's. Committee reporter Tom Hammer asked what was behind the number assigned to a typical case. Ms. Knapp responded that public policy in the sense of proportionality was behind the number. Steve Hurley raised two questions: (1) does a typical case change per community? He noted how there is a tension between a judge responsive to a locality, and guidelines responsive to a statewide view. Kay Knapp agreed. (2) Is it a judge's responsibility to consider costs in pronouncing sentence? Ms. Knapp said that in her experience, she did not know if any guidelines requested the judge to take into consideration the relative costs of alternatives in arriving at a sentence.

Greg Everts asked a series of particular questions concerning Minnesota's sentencing guidelines. Ms. Knapp responded that Minnesota uses a worksheet with a scale in which crimes are added up and custody status at the time the offense is committed is considered. The scale includes prior offense behavior. Minnesota uses a grid, and the probation officer completes the **worksheet. The end result is presumptive; the judge is expected to follow** it, unless there are factors to the contrary, and the sentence is appealable by the State and the defense. Since 1992, the sentence is similar to Wisconsin's new law, in which there is a period of incarceration followed by a period of supervision, and bad time for prison misbehavior. She said there are numerous offenses that are not prison offenses in Minnesota.

Mike McCann inquired whether choosing a typical case for some crimes is possible given the committee's timeframe. Ms. Knapp thought not, given the time frame. Mr. McCann wondered how, after violent offenders are incarcerated, limited resources impact guidelines for lower level felonies. She said punishments alternative to prison were utilized. Matt Frank asked whether resources beyond numbers of prisons are looked at, such as prosecutors, defense attorneys, numbers of judges, and how much discretion is truly left to judges in other truth-in-sentencing systems. Ms. Knapp said no, although they should be. Judge Fiedler inquired what other states are doing on revocation of extended supervision. Ms. Knapp confirmed that a

high percentage of prison admissions were revocations. She said that in other states, both sentencing and administrative law judges make the revocation decisions. Judge Wells mentioned that Wisconsin has a tradition of tracking sentencing information, and that this could be helpful.

Tom Hammer inquired about Minnesota's decentralized system of community corrections. Ms. Knapp stated that the great majority of offenses in Minnesota are nonprison offenses. She said many offenders spend short periods of time in local jails, followed by other corrections programs and probation. Judge Lamelas asked about the appellate standard of review and appealability of sentences. Ms. Knapp favored broad appellate review. Mr. McCann inquired about gubernatorial pardons. Ms. Knapp did not see it as a widespread practice. On the issue of judicial discretion, Judge Sykes contrasted other states' experiences with Wisconsin's former Sentencing guidelines, especially as related to appellate review. Steve Hurley commented that criminal appeals increased in the federal system because the federal sentencing guidelines emphasized the fact component and deemphasized the discretion component. Ms. Knapp agreed.

The committee broke for lunch from noon to 12:30 p.m.

Judge **Barland** called the committee to order again to hear from Bill Grosshans, administrator of the division of community corrections in the Department of Corrections. Mr. Grosshans handed out a packet of information detailing the current state of community corrections (a copy of which is in the committee's files). He discussed the chronology of events regarding community corrections, the number and types of offenders, their geographic breakdown, and the different community supervision programs. He also discussed the DOC's budget for community corrections, and future community corrections beds. Mr. Grosshans and Mike McCann discussed the perception that there is a low level of confidence in community corrections in Milwaukee. Various Milwaukee committee members discussed the effectiveness of probation in Milwaukee. Secretary Sullivan addressed the confidence issue, and discussed the changes undertaken to community corrections since the Governor's task force on corrections surveyed Milwaukee judges a few years ago. Barbara Powell commented on how helpful collaborative community involvement has been in hiring females from her institution.

The floor was canvassed for any public comments. There were none, although some committee members mentioned receiving a letter from a citizen proposing that any cost estimates of committee proposals reflect estimated savings to the community from crime averted due to the committee's recommendation. Judge **Barland** also mentioned contacts from members of law enforcement concerning a recent child abuse case in Calumet County.

The committee broke down into its three subcommittees: (1) reclassification of the criminal code; (2) sentencing guidelines; and (3) extended supervision revocation. Each of the subcommittees met in Room 417N for one hour to discuss their tasks and plan their work. Judge **Barland**, as an ex officio member of each subcommittee, and staff counsel Mike Brennan spent time with each subcommittee.

The subcommittee chairs reported back on what each subcommittee will do. Tom Hammer, chair of the code reclassification subcommittee, reported that they recognize that in some ways their work comes first. They will meet on Tuesday, October 13, 1998, in Milwaukee to look first at more serious felonies, as well as penalty enhancers. Judge Lamelas, chair of the sentencing guidelines subcommittee, reported that they reviewed the two portions of their charge, and agreed to gather as much information as possible from the presenters this fall, and about the former Wisconsin sentencing guidelines. Judge Lamelas will outline the various issues and distribute them to the subcommittee for their work and the committee as a whole for their information and any comment. Judge Fiedler, chair of the extended supervision revocation subcommittee, reported that their



subcommittee also looked to their charge, and reviewed materials prepared by Bill Grosshans concerning the current revocation procedure. Judge Fiedler outlined a number of issues the subcommittee faced.

After Mike Brennan reviewed some housekeeping matters, at 3:30 p.m., Judge Barland declared the meeting adjourned. The next committee meeting will take place on Friday, October 16, 1998, at 9:30 a.m. in Madison, Wisconsin, in Room 417N, the Grand Army of the Republic room,

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AGENDA AND NOTICE OF MEETING  
STATE OF WISCONSIN  
CRIMINAL PENALTIES STUDY COMMITTEE

Friday, October 16, 1998  
9:30 a.m.

Rm. 417N  
Grand Army of the Republic Room  
State Capitol Building  
Madison, Wisconsin

1. Call to order - Chair Thomas Barland
2. Consideration of minutes of October 2, 1998 meeting
3. Presentation on North Carolina's structured sentencing system --  
Judge Thomas W. Ross, chair of the North Carolina Sentencing and Policy Advisory Commission
4. Committee members' questions and comments
5. Presentation on Virginia's truth-in-sentencing law and sentencing guidelines - Richard Kern, director of the Virginia Criminal Sentencing Commission
6. Committee members' questions and comments
7. Public comments - limited to 15 minutes
8. If time permits, subcommittees for (1) reclassification of the criminal code, (2) sentencing guidelines, and (3) extended supervision revocation may meet
9. Any housekeeping matters and adjournment

1. Continuum of sanctions making more sense, having more bite, w/ ~~certainty~~ of prison sentence looming over them.
  2. Should Ct. have revocation authority in probation cases? (What does act say re: e.s.?)
  3. How does NC post-release supervision work?
- 5

Kay Knapp → Law Rev. Article

Sentencing issues

Minnesota — t.i.s. since '80?

1. Proportionality / predictability of sentences
2. Good info. on sentencing practices
3. Good <sup>& timely</sup> ~~prediction~~ projection methodology
4. Feedback to legis — regular / institutionalized  
re: resource needs
5. Legis action to keep resources  
& practices in balance

Warring constituencies.

— judges want up-front discretion

Sentencing commission as mediator?

— Corrections people want resources properly used — i.e., not overburdened.

Or are the 2 goals finally incompatible?

When does "focused" discretion cease to be discretion?

DATE: OCTOBER 1, 1998

CLIENT: LEGISLATURE  
LIBRARY: CODES  
FILE: ALLCDE

YOUR SEARCH REQUEST IS:  
INCIT! AND FLAG AND VIOLENCE OR BREACH

NUMBER OF DOCUMENTS FOUND WITH YOUR REQUEST THROUGH:  
LEVEL 1... 40

 **North Carolina General Statutes**

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**§ 15A-1368.2. Post-release supervision eligibility and procedure.****\*§ 15A-1368.2. Post-release supervision eligibility and procedure.****§15A-1368.2(a)**

\*(a) A prisoner to whom this Article applies shall be released from **prison** for post-release **supervision** on the date equivalent to his maximum imposed **prison** term less nine months, less any earned time awarded by the Department of Correction or the custodian of a local confinement facility under G.S. 15A-1340.13(d). If a prisoner has not been awarded any earned time, the prisoner shall be released for post-release **supervision** on the date equivalent to his maximum **prison** term less nine months.

**§15A-1368.2(b)**

\*(b) A prisoner shall not refuse post-release supervision.

**§15A-1368.2(c)**

\*(c) A supervisee's period of post-release supervision shall be for a period of nine months, unless the offense is an offense for which registration is required pursuant to Article 27A of Chapter 14 of the General Statutes. For offenses subject to the registration requirement of Article 27A of Chapter 14 of the General Statutes, the period of post-release supervision is five years. The conditions of post-release supervision are as authorized in G.S. 15A-1368.5.

**§15A-1368.2(d)**

\*(d) A supervisee's period of post-release supervision may be reduced while the supervisee is under supervision by earned time awarded by the Department of Correction, pursuant to rules adopted in accordance with law. A supervisee is eligible to receive earned time credit toward the period of supervision for compliance with reintegrative conditions described in G.S. 15A-1368.5.

**§15A-1368.2(e)**

\*(e) The Commission shall choose the level of supervision for supervisees. It may place a supervisee on any available level of supervision, including electronic monitoring, intensive supervision, or regular supervision.

**§15A-1368.2(f)**

\*(f) When a supervisee completes the period of post-release supervision, the sentence or sentences from which the supervisee was placed on post-release supervision are terminated. (1993, c. 538, s. 20.1; 1994, Ex. Sess., c. 24, s. 14(b); 1993 (Reg. Sess., 1994), c. 767, s. 4; 1996, 2nd Ex. Sess., c. 18, s. 20.14(a).)

**§ 15A-1368.3. Incidents of post-release supervision.**

 **North Carolina General Statutes**

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**\*§ 15A-1368.3. Incidents of post-release supervision.****§15A-1368.3(a)**

\*(a) Conditionality. -- Post-release supervision is conditional and subject to revocation.

**§15A-1368.3(b)**

\*(b) Modification. -- The Commission may for good cause shown modify the conditions of post-release supervision at any time before the termination of the supervision period.

**§15A-1368.3(c)**

\*(c) Effect of Violation. -- If the supervisee violates a condition, described in G.S. 15A-1368.4, at any time before the termination of the supervision period, the Commission may continue the supervisee on the existing supervision, with or without modifying the conditions, or if continuation or modification is not appropriate, may revoke post-release supervision as provided in G.S. 15A-1368.6 and reimprison the supervisee for a term consistent with the following requirements:

**§15A-1368.3(c)(1)**

\*(1) The supervisee will be returned to prison up to the time remaining on his maximum imposed term.

**§15A-1368.3(c)(2)**

\*(2) The supervisee shall not receive any credit for days on post-release supervision against the maximum term of imprisonment imposed by the court under G.S. 15A-1340.13.

**§15A-1368.3(c)(3)**

\*(3) Pursuant to Article 19A of Chapter 15, the Department of Correction shall award a prisoner credit against any term of reimprisonment for all time spent in custody as a result of revocation proceedings under G.S. 15A-1368.6.

**§15A-1368.3(c)(4)**

\*(4) The prisoner is eligible to receive earned time credit against the maximum prison term as provided in G.S. 15A-1340.13(d) for time served in prison after the revocation.



 **North Carolina General Statutes** **§15A-1368.3(d)**

\*(d) Re-Release After Revocation of Post-Release Supervision. -- A prisoner who has been reimprisoned prior to completing a post-release supervision period may again be released on post-release supervision by the Commission subject to the provisions which govern initial release.

**§15A-1368.3(e)**

\*(e) Timing of Revocation. -- The Commission may revoke post-release supervision for violation of a condition during the period of supervision. The Commission may also revoke post-release supervision following a period of supervision if:

**§15A-1368.3(e)(1)**

\*(1) Before the expiration of the period of post-release supervision, the Commission has recorded its intent to conduct a revocation hearing; and

**§15A-1368.3(e)(2)**

\*(2) The Commission finds that every reasonable effort has been made to notify the supervisee and conduct the hearing earlier. Prima facie evidence of reasonable effort to notify is the issuance of a temporary or conditional revocation order, as provided in G.S. 15A-1376, that goes unserved. (1993, c. 538, s. 20.1; 1994, Ex. Sess., c. 14, s. 27, c. 24, s. 14(b); 1993 (Reg. Sess., 1994), c. 767, s. 5.)

**§ ISA-1368.4. Conditions of post-release supervision.****\*§ ISA-1368.4. Conditions of post-release supervision.****§15A-1368.4(a)**

\*(a) In General. -- Conditions of post-release supervision may be reintegrative in nature or designed to control the supervisee's behavior and to enforce compliance with law or judicial order. A supervisee may have his supervision period revoked for any violation of a controlling condition or for repeated violation of a reintegrative condition. Compliance with reintegrative conditions may entitle a supervisee to earned time credits as described in G.S. 15A-1368.2(d).

**§15A-1368.4(b)**

\*(b) Required Condition. -- The Commission shall provide as an express condition of every release that the supervisee not commit another crime during the period for which the supervisee remains subject to revocation. A supervisee's failure to comply with this controlling condition is a supervision violation for which the supervisee may face revocation as provided in G.S. 15A-1368.3.

**§15A-1368.4(b1)** NEXT

 **North Carolina General Statutes**

\*(b1) Additional Required Conditions for Sex Offenders and Persons Convicted of Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. -- In addition to the required condition set forth in subsection (b) of this section, for a supervisee who has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, controlling conditions, violations of which may result in revocation of post-release supervision, are:

**§15A-1368.4(b1)(1)**

\*(1) Register as required by G.S. 14-208.7 if the offense is a reportable conviction as defined by G.S. 14-208.6(4).

**§15A-1368.4(b1)(2)**

\*(2) Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the Commission.

**§15A-1368.4(b1)(3)**

\*(3) Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.

**§15A-1368.4(b1)(4)**

\*(4) Not reside in a household with any minor child if the offense is one in which there is evidence of sexual abuse of a minor.

**§15A-1368.4(b1)(5)**

\*(5) Not reside in a household with any minor child if the offense is one in which there is evidence of physical or mental abuse of a minor, unless a court of competent jurisdiction expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the child's best interest to allow the supervisee to reside in the same household with a minor child.

**§15A-1368.4(c)**

\*(c) Discretionary Conditions. -- The Commission may in its discretion impose conditions on a supervisee it believes reasonably necessary to ensure that the supervisee will lead a law-abiding life or to assist the supervisee to do so.

**§15A-1368.4(d)**

\*(d) Reintegrative Conditions. -- Appropriate reintegrative conditions, for which a supervisee may receive earned time credits against the length of the supervision period, and repeated violation that may result in revocation of post-release supervision, are:

 **North Carolina General Statutes** 

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**§15A-1368.4(d)(1)**

\*(1) Work faithfully at suitable employment or faithfully pursue a course of study or vocational training that will equip the supervisee for suitable employment.

**§15A-1368.4(d)(2)**

\*(2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.

**§15A-1368.4(d)(3)**

\*(3) Attend or reside in a facility providing rehabilitation, instruction, recreation, or residence for persons on post-release supervision.

**§15A-1368.4(d)(4)**

“(4) Support the supervisee’s dependents and meet other family responsibilities.

**§15A-1368.4(d)(5)**

\*(5) In the case of a supervisee who attended a basic skills program during incarceration, continue attending a basic skills program in pursuit of a General Education Development Degree or adult high school diploma.

**§15A-1368.4(d)(6)**

\*(6) Satisfy other conditions reasonably related to reintegration into society.

**§15A-1368.4(e)**

\*(e) Controlling Conditions. -- Appropriate controlling conditions, violation of which may result in revocation of post-release supervision, are:

**§15A-1368.4(e)(1)**



 **North Carolina General Statutes**

\*(1) Not use, possess, or control any illegal drug or controlled substance unless it has been prescribed for the supervisee by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors, or sellers of any such illegal drugs or controlled substances; and not knowingly be present at or frequent any place where such illegal drugs or controlled substances are sold, kept, or used.

**§15A-1368.4(e)(2)**

\*(2) Comply with a court order to pay the costs of reintegrative treatment for a minor and a minor's parents or custodians where the offense involved evidence of physical, mental, or sexual abuse of a minor.

**§15A-1368.4(e)(3)**

\*(3) Comply with a court order to pay court costs and costs for appointed counsel or public defender in the case for which the supervisee was convicted.

**§15A-1368.4(e)(4)**

\*(4) Not possess a firearm, destructive device, or other dangerous weapon unless granted written permission by the Commission or a post-release supervision officer.

**§15A-1368.4(e)(5)**

\*(5) Report to a post-release supervision officer at reasonable times and in a reasonable manner, as directed by the Commission or a post-release supervision officer.

**§15A-1368.4(e)(6)**

\*(6) Permit a post-release supervision officer to visit at reasonable times at the supervisee's home or elsewhere.

**§15A-1368.4(e)(7)**

\*(7) Remain within the geographic limits fixed by the Commission unless granted written permission to leave by the Commission or the post-release supervision officer.

**§15A-1368.4(e)(8)**

\*(8) Answer all reasonable inquiries by the post-release supervision officer and obtain prior approval from the post-release supervision officer for any change in address or employment.



 **North Carolina General Statutes**

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**§15A-1368.4(e)(9)**

“(9) Promptly notify the post-release supervision officer of any change in address or employment.

**§15A-1368.4(e)(10)**

\*(10) Submit at reasonable times to searches of the supervisee’s person by a post-release supervision officer for purposes reasonably related to the post-release supervision. The Commission shall not require as a condition of post-release supervision that the supervisee submit to any other searches that would otherwise be unlawful. Whenever the search consists of testing for the presence of illegal drugs, the supervisee may also be required to reimburse the Department of Correction for the actual cost of drug testing and drug screening, if the results are positive.

**§15A-1368.4(e)(11)**

\*(11) Make restitution or reparation to an aggrieved party as provided in G.S. 148-57.1.

**§15A-1368.4(e)(12)**

\*(12) Comply with an order from a court of competent jurisdiction regarding the payment of an obligation of the supervisee in connection with any judgment rendered by the court.

**§15A-1368.4(f)**

\*(f) Required Supervision Fee. -- The Commission shall require as a condition of post-release supervision that the supervisee pay a supervision fee of twenty dollars (\$20.00) per month. The Commission may exempt a supervisee from this condition only if it finds that requiring payment of the fee is an undue economic burden. The fee shall be paid to the clerk of superior court of the county in which the supervisee was convicted. The clerk shall transmit any money collected pursuant to this subsection to the State to be deposited in the State’s General Fund. In no event shall a supervisee be required to pay more than one supervision fee per month. (1993, c. 538, s. 20.1; 1994, Ex. Sess., c. 24, s. 14(b); 1996, 2nd Ex. Sess., c. 18, s. 20.14(b).)

**§ 15A-1368.5. Commencement of post-release supervision; multiple sentences.**

**\*§ 15A-1368.5. Commencement of post-release supervision; multiple sentences.**

**§15A-1368.5**

\*A period of post-release ►supervision◄ begins on the day the prisoner is released from imprisonment. Periods of post-release ►supervision◄ run concurrently with any federal or State ►prison◄, jail, probation, or parole terms to which the prisoner is subject during the period, only if the jurisdiction which sentenced the prisoner to ►prison◄, jail, probation, or parole permits concurrent crediting of ►supervision◄ time. (1993, c. 538, s. 20.1; 1994, Ex. Sess., c. 24, s. 14(b).)

**§ 15A-1368.6. Arrest and hearing on post-release supervision violation.**

## FELONY OFFENSE CLASSIFICATION CRITERIA\*

### CLASS CRITERIA

- A** • Reserved for First Degree Murder

*[Reasonably tends to result or does result in]:*

- B** • Serious debilitating long-term personal injury

- C** • Serious long-term personal injury  
• Serious long-term or widespread societal injury

- D** • Serious infringements on property interest which also implicate physical safety concerns by use of a deadly weapon or an offense involving an occupied dwelling

- E** • Serious personal injury

- F** • Significant personal injury  
• Serious societal injury

- G** • Serious property loss:  
Loss from the person or from the person's dwelling

- H** • Serious property loss:  
Loss from any structure designed to house or secure any activity or property  
Loss occasioned by the taking or removing of property  
Loss occasioned by breach of trust, formal or informal

- Personal injury
- Significant societal injury

- I** • Serious property loss:  
All other felonious property loss  
• Societal injury

- M** • All other misdemeanors

-----  
\* Personal injury includes both physical and mental injury.

Societal injury includes violations of public morality, judicial or government operations, and/or public order and welfare.

Note: The criteria were not used in the classification of the homicide offenses or drug offenses.

**\*\*\*Effective for Offenses Committed on or after 12/1/95\*\*\***

**FELONY PUNISHMENT CHART**

PRIORRECORDLEVEL

OFFENSE CLASS

|           | I<br>0 Pts                          | II<br>1-4 Pts | III<br>5-8 Pts | IV<br>9-14 Pts | V<br>15-18 Pts           | VI<br>19+ Pts            |                                 |
|-----------|-------------------------------------|---------------|----------------|----------------|--------------------------|--------------------------|---------------------------------|
| <b>A</b>  | <b>Death or Life Without Parole</b> |               |                |                |                          |                          |                                 |
| <b>B1</b> | A<br>240-300                        | A<br>288-360  | A<br>336-420   | A<br>384-480   | A<br>Life Without Parole | A<br>Life Without Parole | DISPOSITION<br>Aggravated Range |
|           | 192-240                             | 230-288       | 269-336        | 307-384        | 346-433                  | 384-480                  | PRESUMPTIVE RANGE               |
|           | 144-192                             | 173-230       | 202-269        | 230-307        | 260-346                  | 288-384                  | Mitigated Range                 |
| <b>B2</b> | A<br>157-196                        | A<br>189-237  | A<br>220-276   | A<br>251-313   | A<br>282-353             | A<br>313-392             |                                 |
|           | 125-157                             | 151-189       | 176-220        | 201-251        | 225-282                  | 251-313                  |                                 |
|           | 94-125                              | 114-151       | 132-176        | 151-201        | 169-225                  | 188-251                  |                                 |
| <b>C</b>  | A<br>73-92                          | A<br>100-125  | A<br>116-145   | A<br>133-167   | A<br>151-188             | A<br>168-210             |                                 |
|           | 58-73                               | 80-100        | 93-116         | 107-133        | 121-151                  | 135-168                  |                                 |
|           | 44-58                               | 60-80         | 70-93          | 80-107         | 90-121                   | 101-135                  |                                 |
| <b>D</b>  | A<br>64-80                          | A<br>77-95    | A<br>103-129   | A<br>117-146   | A<br>133-167             | A<br>146-183             |                                 |
|           | 51-64                               | 61-77         | 82-103         | 94-117         | 107-133                  | 117-146                  |                                 |
|           | 38-51                               | 46-61         | 61-82          | 71-94          | 80-107                   | 88-117                   |                                 |
| <b>E</b>  | I/A<br>25-31                        | I/A<br>29-36  | A<br>34-42     | A<br>46-58     | A<br>53-66               | A<br>59-74               |                                 |
|           | 20-25                               | 23-29         | 27-34          | 37-46          | 42-53                    | 47-59                    |                                 |
|           | 15-20                               | 17-23         | 20-27          | 28-37          | 32-42                    | 35-47                    |                                 |
| <b>F</b>  | I/A<br>16-20                        | I/A<br>19-24  | I/A<br>21-26   | A<br>25-31     | A<br>34-42               | A<br>39-49               |                                 |
|           | 13-16                               | 15-19         | 17-21          | 20-25          | 27-34                    | 31-39                    |                                 |
|           | 10-13                               | 11-15         | 13-17          | 15-20          | 20-27                    | 23-31                    |                                 |
| <b>G</b>  | I/A<br>13-16                        | I/A<br>15-19  | I/A<br>16-20   | I/A<br>20-25   | A<br>21-26               | A<br>29-36               |                                 |
|           | 10-13                               | 12-15         | 13-16          | 16-20          | 17-21                    | 23-29                    |                                 |
|           | 8-10                                | 9-12          | 10-13          | 12-16          | 13-17                    | 17-23                    |                                 |
| <b>H</b>  | C/I/A<br>6-8                        | I/A<br>8-10   | I/A<br>10-12   | I/A<br>11-14   | I/A<br>15-19             | A<br>20-25               |                                 |
|           | 5-6                                 | 6-8           | 8-10           | 9-11           | 12-15                    | 16-20                    |                                 |
|           | 4-5                                 | 4-6           | 6-8            | 7-9            | 9-12                     | 12-16                    |                                 |
| <b>I</b>  | C<br>6-8                            | C/I<br>6-8    | I<br>6-8       | I/A<br>8-10    | I/A<br>9-11              | I/A<br>10-12             |                                 |
|           | 4-6                                 | 4-6           | 5-6            | 6-8            | 7-9                      | 8-10                     |                                 |
|           | 3-4                                 | 3-4           | 4-5            | 4-6            | 5-7                      | 6-8                      |                                 |

Note: A - Active Punishment, I - Intermediate Punishment, C - Community Punishment  
 \*Numbers shown are in months and represent the range of minimum sentences.

Revised: 08-04-95

## FIGURE B: MINIMUM AND MAXIMUM SENTENCES

The corresponding maximum sentence for each minimum sentence is shown in the tables below. In each column, the number to the left of the dash represents the minimum sentence (in months) and the number to the right of the dash represents the corresponding maximum sentence (in months). To calculate a maximum sentence when the minimum sentence is 340 months or more, see G.S. 15A-1340.17(e1).

### FOR OFFENSE CLASSES B1 THROUGH E

|       |        |         |         |         |         |         |         |
|-------|--------|---------|---------|---------|---------|---------|---------|
| 15-27 | 56-77  | 97-126  | 138-175 | 179-224 | 220-273 | 261-323 | 302-372 |
| 16-29 | 57-78  | 98-127  | 139-176 | 180-225 | 221-275 | 262-324 | 303-373 |
| 17-30 | 58-79  | 99-128  | 140-177 | 181-227 | 222-276 | 263-325 | 304-374 |
| 18-31 | 59-80  | 100-129 | 141-179 | 182-228 | 223-277 | 264-326 | 305-375 |
| 19-32 | 60-81  | 101-131 | 142-180 | 183-229 | 224-278 | 265-327 | 306-377 |
| 20-33 | 61-83  | 102-132 | 143-181 | 184-230 | 225-279 | 266-329 | 307-378 |
| 21-35 | 62-84  | 103-133 | 144-182 | 185-231 | 226-281 | 267-330 | 308-379 |
| 22-36 | 63-85  | 104-134 | 145-183 | 186-233 | 227-282 | 268-331 | 309-380 |
| 23-37 | 64-86  | 105-135 | 146-185 | 187-234 | 228-283 | 269-332 | 310-381 |
| 24-38 | 65-87  | 106-137 | 147-186 | 188-235 | 229-284 | 270-333 | 311-383 |
| 25-39 | 66-89  | 107-138 | 148-187 | 189-236 | 230-285 | 271-335 | 312-384 |
| 26-41 | 67-90  | 108-139 | 149-188 | 190-237 | 231-287 | 272-336 | 313-385 |
| 27-42 | 68-91  | 109-140 | 150-189 | 191-239 | 232-288 | 273-337 | 314-386 |
| 28-43 | 69-92  | 110-141 | 151-191 | 192-240 | 233-289 | 274-338 | 315-387 |
| 29-44 | 70-93  | 111-143 | 152-192 | 193-241 | 234-290 | 275-339 | 316-389 |
| 30-45 | 71-95  | 112-144 | 153-193 | 194-242 | 235-291 | 276-341 | 317-390 |
| 31-47 | 72-96  | 113-145 | 154-194 | 195-243 | 236-293 | 277-342 | 318-391 |
| 32-48 | 73-97  | 114-146 | 155-195 | 196-245 | 237-294 | 278-343 | 319-392 |
| 33-49 | 74-98  | 115-147 | 156-197 | 197-246 | 238-295 | 279-344 | 320-393 |
| 34-50 | 75-99  | 116-149 | 157-198 | 198-247 | 239-296 | 280-345 | 321-395 |
| 35-51 | 76-101 | 117-150 | 158-199 | 199-248 | 240-297 | 281-347 | 322-396 |
| 36-53 | 77-102 | 118-151 | 159-200 | 200-249 | 241-299 | 282-348 | 323-397 |
| 37-54 | 78-103 | 119-152 | 160-201 | 201-251 | 242-300 | 283-349 | 324-398 |
| 38-55 | 79-104 | 120-153 | 161-203 | 202-252 | 243-301 | 284-350 | 325-399 |
| 39-56 | 80-105 | 121-155 | 162-204 | 203-253 | 244-302 | 285-351 | 326-401 |
| 40-57 | 81-107 | 122-156 | 163-205 | 204-254 | 245-303 | 286-353 | 327-402 |
| 41-59 | 82-108 | 123-157 | 164-206 | 205-255 | 246-305 | 287-354 | 328-403 |
| 42-60 | 83-109 | 124-158 | 165-207 | 206-257 | 247-306 | 288-355 | 329-404 |
| 43-61 | 84-110 | 125-159 | 166-209 | 207-258 | 248-307 | 289-356 | 330-405 |
| 44-62 | 85-111 | 126-161 | 167-210 | 208-259 | 249-308 | 290-357 | 331-407 |
| 45-63 | 86-113 | 127-162 | 168-211 | 209-260 | 250-309 | 291-359 | 332-408 |
| 46-65 | 87-114 | 128-163 | 169-212 | 210-261 | 251-311 | 292-360 | 333-409 |
| 47-66 | 88-115 | 129-164 | 170-213 | 211-263 | 252-312 | 293-361 | 334-410 |
| 48-67 | 89-116 | 130-165 | 171-215 | 212-264 | 253-313 | 294-362 | 335-411 |
| 49-68 | 90-117 | 131-167 | 172-216 | 213-265 | 254-314 | 295-363 | 336-413 |
| 50-69 | 91-119 | 132-168 | 173-217 | 214-266 | 255-315 | 296-365 | 337-414 |
| 51-71 | 92-120 | 133-169 | 174-218 | 215-267 | 256-317 | 297-366 | 338-415 |
| 52-72 | 93-121 | 134-170 | 175-219 | 216-269 | 257-318 | 298-367 | 339-416 |
| 53-73 | 94-122 | 135-171 | 176-221 | 217-270 | 258-319 | 299-368 |         |
| 54-74 | 95-123 | 136-173 | 177-222 | 218-271 | 259-320 | 300-369 |         |
| 55-75 | 96-125 | 137-174 | 178-223 | 219-272 | 260-321 | 301-371 |         |

### FOR OFFENSE CLASSES F THROUGH I

|      |       |       |       |       |       |       |       |
|------|-------|-------|-------|-------|-------|-------|-------|
| 3-4  | 9-11  | 15-18 | 21-26 | 27-33 | 33-40 | 39-47 | 45-54 |
| 4-5  | 10-12 | 16-20 | 22-27 | 28-34 | 34-41 | 40-48 | 46-56 |
| 5-6  | 11-14 | 17-21 | 23-28 | 29-35 | 35-42 | 41-50 | 47-57 |
| 6-8  | 12-15 | 18-22 | 24-29 | 30-36 | 36-44 | 42-51 | 48-58 |
| 7-9  | 13-16 | 19-23 | 25-30 | 31-38 | 37-45 | 43-52 | 49-59 |
| 8-10 | 14-17 | 20-24 | 26-32 | 32-39 | 38-46 | 44-53 |       |

**\*\*\*Effective for Offenses Committed on or after 12/1/95\*\*\***

## MISDEMEANOR PUNISHMENT CHART

| CLASS     | PRIOR CONVICTION LEVELS     |                               |                                    |
|-----------|-----------------------------|-------------------------------|------------------------------------|
|           | I                           | II                            | III                                |
|           | No Prior Convictions        | One to Four Prior Convictions | Five or More Prior Convictions     |
| <b>A1</b> | 1 - 60 days<br><b>C/I/A</b> | 1 - 75 days<br><b>C/I/A</b>   | 1 - 150 days<br><b>C/I/A</b>       |
| <b>1</b>  | 1 - 45 days<br><b>C</b>     | 1 - 45 days<br><b>C/I/A</b>   | 1 - 120 days<br><b>C/I/A</b>       |
| <b>2</b>  | 1 - 30 days<br><b>C</b>     | 1 - 45 days<br><b>C/I</b>     | 1 - <b>60</b> days<br><b>C/I/A</b> |
| <b>3</b>  | 1 - 10 days<br><b>C</b>     | 1 - 15 days<br><b>C/I</b>     | 1 - 20 days<br><b>C/I/A</b>        |

A - Active Punishment      I - Intermediate Punishment      C - Community Punishment

Cells with slash allow either disposition at the discretion of the judge,

**1990 FORECAST COMPARED TO CURRENT**

|   | INSTITUTION POPULATIONS |         |        | PROB. & PAROLE POPULATIONS |        |        |
|---|-------------------------|---------|--------|----------------------------|--------|--------|
|   | Males                   | Females | Total  | Probation                  | Parole | Total  |
| June 30, 1990 Forecast                  |                         |         |        |                            |        |        |
| On 6/30/98                              | 14,095                  | 663     | 14,758 | 49,783                     | 7,025  | 56,808 |
| On 6/30/99                              | 15,202                  | 715     | 15,917 | 52,727                     | 7,315  | 60,042 |
| June 26, 1998 Friday Report             | 15,390                  | 949     | 16,339 |                            |        |        |
| 6/30/98 Prob. & Parole Caseload Summary |                         |         |        | 51,315                     | 7,868  | 59,183 |
| Endpoint populations June 1990          | 6,579                   | 309     | 6,888  | 27,708                     | 4,215  | 31,923 |

as of 8/22/98 17,013

up to ~2,200  
or p/p hold  
in city jails  
any given day

**MARCH 31, 1991 FORECAST COMPARED TO CURRENT**

|   | INSTITUTION POPULATIONS |         |        | PROB. & PAROLE POPULATIONS |        |        |
|---|-------------------------|---------|--------|----------------------------|--------|--------|
|   | Males                   | Females | Total  | Probation                  | Parole | Total  |
| March 31, 1991 Forecast                 |                         |         |        |                            |        |        |
| On 6/30/98                              | 15,285                  | 720     | 16,005 | 49,632                     | 7,395  | 57,027 |
| On 6/30/99                              | 17,630                  | 793     | 18,423 | 52,443                     | 7,685  | 60,128 |
| On 6/30/00                              | 18,513                  | 872     | 19,385 | 55,093                     | 7,975  | 63,068 |
| June 26, 1998 Friday Report             | 15,390                  | 949     | 16,339 |                            |        |        |
| 6/30/98 Prob. & Parole Caseload Summary |                         |         |        | 51,315                     | 7,868  | 59,183 |

**DECEMBER 31, 1996 FORECAST COMPARED TO CURRENT**

|   | INSTITUTION POPULATIONS |         |        | PROB. & PAROLE POPULATIONS |        |        |
|---|-------------------------|---------|--------|----------------------------|--------|--------|
|   | Males                   | Females | Total  | Probation                  | Parole | Total  |
| December 31, 1996 Forecast              |                         |         |        |                            |        |        |
| On 6/30/98                              | 14,732                  | 792     | 15,524 | 49,779                     | 8,374  | 58,153 |
| On 6/30/99                              | 16,646                  | 895     | 17,543 | 52,086                     | 8,762  | 60,848 |
| On 6/30/00                              | 18,851                  | 1,013   | 19,864 | 54,392                     | 9,150  | 63,542 |
| June 26, 1998 Friday Report             | 15,390                  | 949     | 16,339 |                            |        |        |
| 6/30/98 Prob. & Parole Caseload Summary |                         |         |        | 51,315                     | 7,868  | 59,183 |





Parole Activity for 1998

Disposition:

|  | January | February | March | April | May | June | July |
|--|---------|----------|-------|-------|-----|------|------|
| # recommended by Commission Members        | 96      | 76       | 96    | 42    | 26  | 117  | 126  |
| # of "In Office" recommendations           | 379     | 308      | 322   | 158   | 53  | 112  | 71   |
| # of recommendations approved by Chair     | 442     | 352      | 381   | 16    | 29  | 202  | 121  |
| # held durne to pending/new conduct report | 7       | 9        | 12    | 112   | 30  | 8    | 0    |
| # cancelled for cause                      | 26      | 23       | 15    | 30    | 2   | 19   | 12   |

Disposition of "No Actions" / full review cases

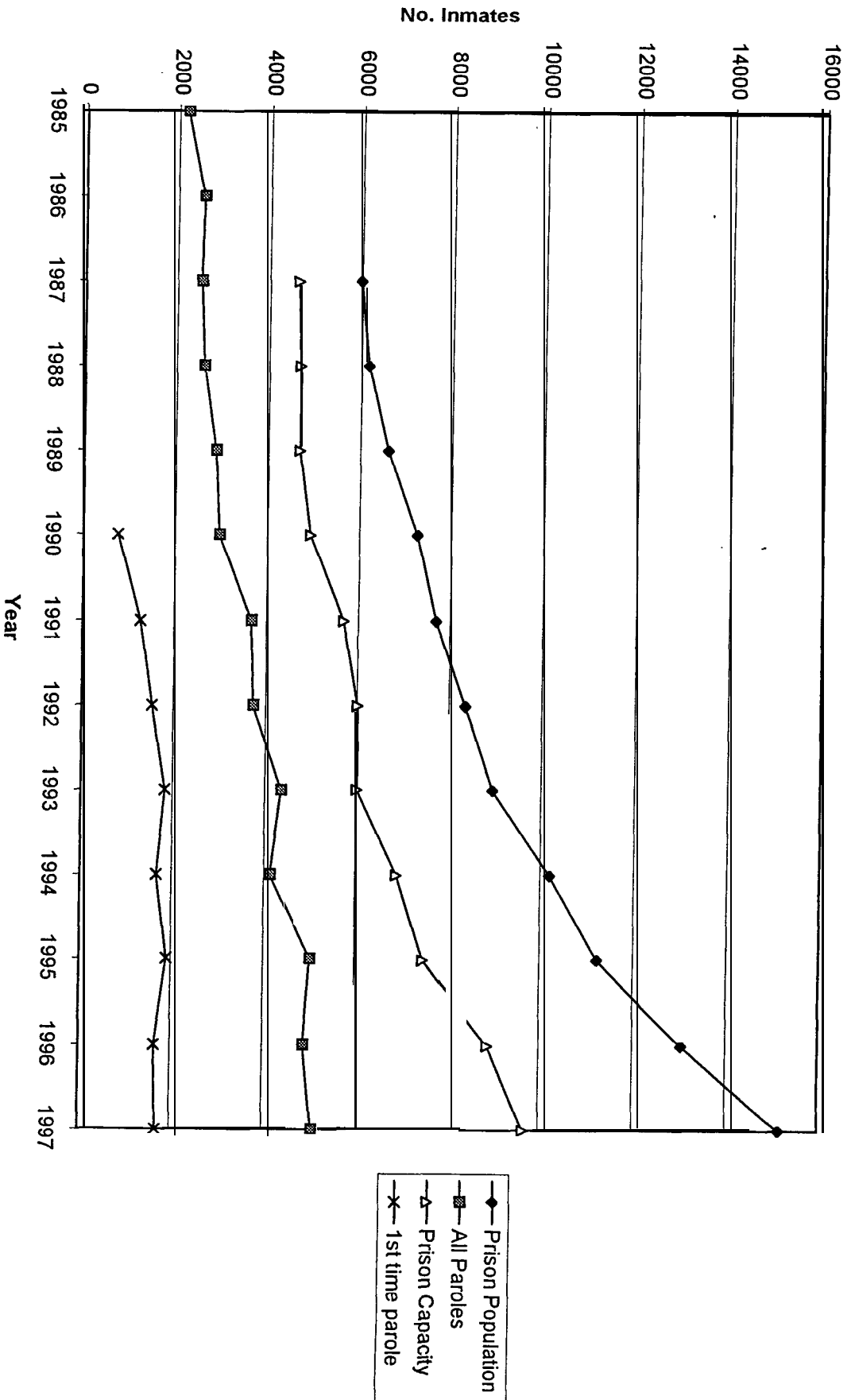
|  | # reviewed | Grant Recommendations | deferrals | Paroled from Intensive Sanctions | Paroled from Challenge Incarceration Prog |
|--|------------|-----------------------|-----------|----------------------------------|---|
|  | 25         | 11                    | 14        | 28                               | 9   |
|  | 22         | 5                     | 17        | 34                               | 3   |
|  | 17         | 3                     | 14        | 31                               | 15  |
|  | 1          | 0                     | 1         | 15                               | 8   |
|  | 5          | 1                     | 4         | 0                                | 6   |
|  | 5          | 1                     | 4         | 5                                | 13  |
|  | 15         | 4                     | 11        | 45                               | 7   |

|                          |     |     |     |    |    |     |     |
|--------------------------|-----|-----|-----|----|----|-----|-----|
| Total # of Grants Issued | 442 | 352 | 381 | 16 | 29 | 202 | 248 |
|--------------------------|-----|-----|-----|----|----|-----|-----|

### Growth in the Adult Correctional Institutions

|                                    | Population    | Growth by Month |
|------------------------------------|---------------|-----------------|
| <b>December 26, 1997</b>           | <b>14,871</b> |                 |
| <b>January 30, 1998</b>            | <b>14,958</b> | <b>87</b>       |
| <b>February 27, 1998</b>           | <b>15,122</b> | <b>164</b>      |
| <b>March 27, 1998</b>              | <b>15,286</b> | <b>164</b>      |
| <b>April 24, 1998</b>              | <b>15,594</b> | <b>308</b>      |
| <b>May 29, 1998</b>                | <b>16,056</b> | <b>462</b>      |
| <b>June 26, 1998</b>               | <b>16,339</b> | <b>283</b>      |
| <b>July 31, 1998</b>               | <b>16,722</b> | <b>383</b>      |
| <b>Total Growth Since 12/26/97</b> |               | <b>1,851</b>    |
| <b>Average Monthly Growth</b>      |               | <b>264</b>      |

# Discretionary Parole v. Prison Population



MALE ADMISSIONS TO DODGE CORRECTIONAL INSTITUTION  
RECEPTION CENTER

| MONTH          | TOTAL<br>1991 | TOTAL<br>1992 | TOTAL<br>1993 | TOTAL<br>1994 | TOTAL<br>1995 | TOTAL<br>1996 | TOTAL<br>1997 | TOTAL<br>1998 |
|----------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| January        | 302           | 326           | 354           | 410           | 406           | 505           | 419           | 491           |
| February       | 279           | 327           | 440           | 409           | 438           | 487           | 470           | 533           |
| March          | 285           | 428           | 479           | 548           | 489           | 515           | 541           | 585           |
| April          | 329           | 404           | 447           | 471           | 426           | 508           | 571           | 577           |
| May            | 321           | 371           | 408           | 448           | 481           | 568           | 524           | 486           |
| June           | 300           | 394           | 459           | 462           | 551           | 504           | 492           | 553           |
| July           | 311           | 382           | 481           | 437           | 494           | 564           | 494           | 616           |
| August         | 336           | 320           | 407           | 413           | 471           | 480           | 450           |               |
| September      | 292           | 435           | 409           | 434           | 482           | 464           | 460           |               |
| October        | 367           | 392           | 471           | 433           | 461           | 592           | 568           |               |
| November       | 340           | 352           | 448           | 481           | 465           | 475           | 448           |               |
| December       | 303           | 455           | 443           | 493           | 478           | 472           | 542           |               |
| <b>TOTAL</b>   | <b>3,765</b>  | <b>4,587</b>  | <b>5,246</b>  | <b>5,439</b>  | <b>5,642</b>  | <b>6,134</b>  | <b>5,979</b>  | <b>3841</b>   |
| <b>AVERAGE</b> | <b>313.75</b> | <b>382.25</b> | <b>437.16</b> | <b>453.03</b> | <b>470.17</b> | <b>511.17</b> | <b>498.25</b> | <b>548.71</b> |

FEMALE ADMISSIONS TO DODGE CORRECTIONAL INSTITUTION  
RECEPTION CENTER\*\*

| MONTH     | TOTAL<br>1991 | TOTAL<br>1992 | TOTAL<br>1993 | TOTAL<br>1994 | TOTAL<br>1995 | TOTAL<br>1996 | TOTAL<br>1997 | TOTAL<br>1998 |
|-----------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| January   | 20            | 31            | 31            | 31            | 41            | 37            | 33            | 48            |
| February  | 12            | 34            | 38            | 48            | 35            | 51            | 48            | 59            |
| March     | 21            | 38            | 38            | 32            | 50            | 49            | 49            | 58            |
| April     | 25            | 32            | 44            | 42            | 31            | 42            | 46            | 58            |
| May       | 26            | 25            | 35            | 33            | 50            | 42            | 54            | 56            |
| June      | 22            | 36            | 41            | 39            | 38            | 39            | 34            | 70            |
| July      | 27            | 32            | 33            | 35            | 40            | 56            | 46            | 86            |
| August    | 36            | 26            | 24            | 29            | 42            | 55            | 35            |               |
| September | 20            | 38            | 39            | 30            | 43            | 54            | 37            |               |
| October   | 26            | 15            | 33            | 35            | 26            | 48            | 60            |               |
| November  | 28            | 36            | 37            | 33            | 36            | 41            | 41            |               |
| December  | 20            | 31            | 42            | 29            | 38            | 37            | 42            |               |
| TOTAL     | 283           | 374           | 435           | 416           | 470           | 551           | 525           | 435           |
| AVERAGE   | 23.5          | 31.2          | 36.25         | 34.67         | 39.17         | 45.92         | 43.75         | 62.14         |

\*\* Admissions were at Taycheedah Correctional Institution from January 1990 through June 17, 1996.

**First Admissions During Calendar Years 1990-1 997**

| Admission Year | Offense Type   | No. Inmates | Avg Sentence in Months |
|----------------|----------------|-------------|------------------------|
| 1990           | Assaultive     | 665         | 81                     |
|                | Sex/Assault    | 264         | 123                    |
|                | Drug           | 379         | 41                     |
|                | Property/Other | 408         | 46                     |
| 1991           | Assaultive     | 883         | 91                     |
|                | Sex/Assault    | 290         | 139                    |
|                | Drug           | 352         | 39                     |
|                | Property/Other | 446         | 46                     |
| 1992           | Assaultive     | 904         | 105                    |
|                | Sex/Assault    | 293         | 150                    |
|                | Drug           | 632         | 42                     |
|                | Property/Other | 402         | 51                     |
| 1993           | Assaultive     | 950         | 88                     |
|                | Sex/Assault    | 396         | 142                    |
|                | Drug           | 618         | 46                     |
|                | Property/Other | 389         | 51                     |
| 1994           | Assaultive     | 869         | 99                     |
|                | Sex/Assault    | 337         | 155                    |
|                | Drug           | 681         | 42                     |
|                | Property/Other | 355         | 54                     |
| 1995           | Assaultive     | 943         | 116                    |
|                | Sex/Assault    | 319         | 216                    |
|                | Drug           | 729         | 48                     |
|                | Property/Other | 423         | 54                     |
| 1996           | Assaultive     | 996         | 131                    |
|                | Sex/Assault    | 375         | 231                    |
|                | Drug           | 761         | 49                     |
|                | Property/Other | 528         | 56                     |
| 1997           | Assaultive     | 930         | 113                    |
|                | Sex/Assault    | 298         | 202                    |
|                | Drug           | 632         | 47                     |
|                | Property/Other | 486         | 54                     |
| TOTAL          |                | 17933       |                        |

**Average Sentence Served by Release Year and Offense\***

| Release Yr | Offense Type   | Number | Avg Sentence in Months | Avg Mos Served | Avg % Sentence Served |
|------------|----------------|--------|------------------------|----------------|-----------------------|
| 1990       | Assaultive     | 791    | 57                     | 33             | 58%                   |
|            | Sex/Assault    | 243    | 63                     | 37             | 59%                   |
|            | Drug           | 332    | 34                     | 18             | 53%                   |
|            | Property/Other | 775    | 40                     | 23             | 57%                   |
| 1991       | Assaultive     | 1020   | 61                     | 33             | 54%                   |
|            | Sex/Assault    | 288    | 68                     | 39             | 57%                   |
|            | Drug           | 580    | 38                     | 18             | 48%                   |
|            | Property/Other | 1011   | 43                     | 23             | 53%                   |
| 1992       | Assaultive     | 1142   | 57                     | 28             | 49%                   |
|            | Sex/Assault    | 286    | 74                     | 40             | 54%                   |
|            | Drug           | 631    | 39                     | 16             | 41%                   |
|            | Property/Other | 838    | 43                     | 21             | 49%                   |
| 1993       | Assaultive     | 1298   | 60                     | 28             | 47%                   |
|            | Sex/Assault    | 351    | 68                     | 36             | 53%                   |
|            | Drug           | 822    | 39                     | 14             | 36%                   |
|            | Property/Other | 653    | 40                     | 18             | 45%                   |
| 1994       | Assaultive     | 1184   | 58                     | 25             | 43%                   |
|            | Sex/Assault    | 243    | 73                     | 40             | 55%                   |
|            | Drug           | 772    | 37                     | 13             | 35%                   |
|            | Property/Other | 477    | 40                     | 17             | 42%                   |
| 1995       | Assaultive     | 1333   | 63                     | 27             | 43%                   |
|            | Sex/Assault    | 347    | 72                     | 41             | 57%                   |
|            | Drug           | 956    | 37                     | 13             | 35%                   |
|            | Property/Other | 508    | 39                     | 16             | 41%                   |
| 1996       | Assaultive     | 1355   | 60                     | 26             | 43%                   |
|            | Sex/Assault    | 367    | 76                     | 44             | 58%                   |
|            | Drug           | 640    | 42                     | 16             | 38%                   |
|            | Property/Other | 550    | 38                     | 15             | 40%                   |
| 1997       | Assaultive     | 1190   | 65                     | 30             | 46%                   |
|            | Sex/Assault    | 384    | 80                     | 48             | 60%                   |
|            | Drug           | 947    | 36                     | 16             | 45%                   |
|            | Property/Other | 512    | 39                     | 17             | 44%                   |

*ex 70/50% of intake is veros, this # very in com-plete*

\*1ST RELEASE OF NON-DIS INMATES BETWEEN 1/1/90 AND 12/31/97 EXCLUDING LIFERS

Average Sentence Comparison Between 1 st Releases v. 1 st Admissions  
1990-1 997

| Release Yr | Offense Type   | Avg Sentence<br>in Months 1st<br>Releases | Avg Sentence<br>in Months 1st<br>Admissions | Difference<br>in Months |
|------------|----------------|---|---|-------------------------|
| 1990       | Assaultive     | 57  | 81  | 24                      |
|            | Sex/Assault    | 63  | 123   | 60                      |
|            | Drug           | 34  | 41  | 7                       |
|            | Property/Other | 40  | 46  | 6                       |
| 1991       | Assaultive     | 61  | 91  | 30                      |
|            | Sex/Assault    | 68  | 139   | 71                      |
|            | Drug           | 38  | 39  | 1                       |
|            | Property/Other | 43  | 46  | 3                       |
| 1992       | Assaultive     | 57  | 105   | 48                      |
|            | Sex/Assault    | 74  | 150   | 76                      |
|            | Drug           | 39  | 42  | 3                       |
|            | Property/Other | 43  | 51  | 8                       |
| 1993       | Assaultive     | 60  | 88  | 28                      |
|            | Sex/Assault    | 68  | 142   | 74                      |
|            | Drug           | 39  | 46  | 7                       |
|            | Property/Other | 40  | 51  | 11                      |
| 1994       | Assaultive     | 58  | 99  | 41                      |
|            | Sex/Assault    | 73  | 155   | a2                      |
|            | Drug           | 37  | 42  | 5                       |
|            | Property/Other | 40  | 54  | 14                      |
| 1995       | Assaultive     | 63  | 116   | 53                      |
|            | Sex/Assault    | 72  | 216   | 144                     |
|            | Drug           | 37  | 48  | 11                      |
|            | Property/Other | 39  | 54  | 15                      |
| 1996       | Assaultive     | 60  | 131   | 71                      |
|            | Sex/Assault    | 76  | 231   | 155                     |
|            | Drug           | 42  | 49  | 7                       |
|            | Property/Other | 38  | 56  | 18                      |
| 1997       | Assaultive     | 65  | 113   | 48                      |
|            | Sex/Assault    | 80  | 202   | 122                     |
|            | Drug           | 36  | 47  | 11                      |
|            | Property/Other | 39  | 54  | 15                      |



### Per Capita Costs for Adult Correctional Institutions FY 1995-97 By Security Type

Total Per Capita Costs (wages, materials and other expenditures)

| Security                      | FY 1995/96 | FY 1996/97 | Difference |
|-------------------------------|------------|------------|------------|
| Maximum                       | \$1,901.23 | \$1,978.71 | \$77.48    |
| Medium                        | \$1,469.45 | \$1,483.95 | \$14.50    |
| Minimum                       | \$1,459.86 | \$1,492.71 | \$32.85    |
| Average<br>(all institutions) | \$1,627.64 | \$1,661.10 | \$33.46    |

### Per Capita Costs for Adult Correctional Institutions FY 1992-97

| Fiscal Year | Annual Bed Per<br>Capita Cost | Monthly Bed Per<br>Capita Cost | Monthly<br>Staffing Per<br>Capita Cost | Monthly<br>Material &<br>Expense |
|-------------|-------------------------------|--------------------------------|--|----------------------------------|
| 1992        | \$21,296.76                   | \$1,774.73                     | \$1,313.39                             | \$461.34                         |
| 1993        | \$20,579.28                   | \$1,714.94                     | \$1,269.81                             | \$445.13                         |
| 1994        | \$20,217.36                   | \$1,684.78                     | \$1,240.76                             | \$444.02                         |
| 1995        | \$19,887.60                   | \$1,657.30                     | \$1,251.28                             | \$406.02                         |
| 1996        | \$19,531.68                   | \$1,627.64                     | \$1,197.24                             | \$430.40                         |
| 1997        | \$19,933.00                   | \$1,661.08                     | \$1,202.30                             | \$458.78                         |

**POPULATION VS. OPERATING CAPACITY CY 1998**

**MALES**

| Month            | Population |     |        | Capacity |     |          | Total Capacity | % over Capacity |
|------------------|------------|-----|--------|----------|-----|----------|----------------|-----------------|
|                  | DAI        | DCC | Total  | DAI      | WRC | Contract |                |                 |
| 30-Jan-98        | 13,763     | 414 | 14,177 | .        | .   | .        | 10,024         | 41.43%          |
| 28-Feb-98        | 13,889     | 447 | 14,336 | .        | .   | .        | 10,662         | 34.46%          |
| 27-Mar-98        | 14,015     | 439 | 14,454 | .        | .   | .        | 11,062         | 30.66%          |
| <b>24-Apr-98</b> | 14,243     | 480 | 14,735 | .        | .   | .        | 11,120         | 32.51%          |
| 29-May-98        | 14,672     | 481 | 15,153 | .        | .   | .        | 11,617         | 30.44%          |
| 26-Jun-98        | 14,898     | 492 | 15,390 | 9,601    | 230 | 1,989    | 11,820         | 30.20%          |
| <b>31-Jul-98</b> | 15,270     | 468 | 15,738 | 9,601    | 230 | 2,444    | 12,275         | 28.21%          |
| August           |            |     |        |          |     |          |                |                 |
| September        |            |     |        |          |     |          |                |                 |
| October          |            |     |        |          |     |          |                |                 |
| November         |            |     |        |          |     |          |                |                 |
| December         |            |     |        |          |     |          |                |                 |

**FEMALES**

| Month            | Population |     |       | Capacity |     |          | Total Capacity | % over. Capacity |
|------------------|------------|-----|-------|----------|-----|----------|----------------|------------------|
|                  | DAI        | DCC | Total | DAI      | WRC | Contract |                |                  |
| 30-Jan-98        | 708        | 21  | 781   | 486      | 0   | 14       | 500            | 56.20%           |
| <b>28-Feb-98</b> | 765        | 21  | 786   | 636      | 0   | 15       | 651            | 20.74%           |
| 27-Mar-98        | 811        | 21  | 832   | 636      | 0   | 16       | 652            | 27.61%           |
| <b>24-Apr-98</b> | 842        | 17  | 859   | 636      | 0   | 13       | 649            | 32.36%           |
| 29-May-98        | 883        | 20  | 903   | 636      | 0   | 13       | 649            | 39.14%           |
| <b>26-Jun-98</b> | 932        | 17  | 949   | 636      | 0   | 11       | 647            | 46.68%           |
| <b>31-Jul-98</b> | 964        | 20  | 984   | 636      | 0   | 17       | 653            | 50.69%           |
| August           |            |     |       |          |     |          |                |                  |
| September        |            |     |       |          |     |          |                |                  |
| October          |            |     |       |          |     |          |                |                  |
| November         |            |     |       |          |     |          |                |                  |
| December         |            |     |       |          |     |          |                |                  |

• No data available.

## Admissions with Life Sentences

| <b>Admission</b> |               |
|------------------|---------------|
| <b>Year</b>      | <b>Number</b> |
| <b>1990</b>      | 31            |
| 1991             | 43            |
| 1992             | 74            |
| 1993             | 58            |
| 1994             | 51            |
| 1995             | 50            |
| 1996             | 34            |
| 1997             | 27            |
| <hr/>            |               |
| <b>Total</b>     | <b>368</b>    |

**PRISON CAPACITY INCREASES - 1990-1998**  
**WISCONSIN DEPARTMENT OF CORRECTIONS**

| <b>YEAR COMPLETED</b> | <b>PROJECT</b>                                | <b>#BEDS</b> |
|-----------------------|---|--------------|
| 1990                  | OSHKOSH (SEX OFFENDER UNIT)                   | 100          |
| 1990                  | JOHN C. BURKE CENTER                          | 79           |
| 1990                  | KENOSHA CORRECTIONAL CENTER                   | 60           |
| 1991                  | RACINE CORRECTIONAL INSTITUTION               | 650          |
| 1989                  | ELLSWORTH WOMEN'S CENTER                      | 50           |
| 1995                  | TAYCHEEDAH HOUSING UNIT                       | 134          |
| 1993                  | KETTLE MORAINE EXPANSION (AODA)               | 180          |
| 1993                  | THOMPSON CORRECTIONAL CENTER                  | 60           |
| 1994                  | OSHKOSH EXPANSION                             | 450          |
| 1994                  | RACINE EXPANSION (AODA)                       | 200          |
| 1994                  | ELLSWORTH WOMEN'S CENTER EXPANSION            | 50           |
| 1994                  | CHALLENGE BOOT CAME (AODA)                    | 64           |
| 1995                  | JACKSON CORRECTIONAL INSTITUTION              | 450          |
| 1995                  | DODGE CORRECTIONAL INST. EXPANSION            | 500          |
| 1995                  | OSHKOSH EXPANSIONS                            | 450          |
| 1996                  | JACKSON EXPANSION                             | 150          |
| 1995                  | DORMITORY HOUSING - OSCI/KMCI                 | 300          |
| 1997                  | DORMS -FLCI (2)*, RCI, DC1 (2), TCI, CCI, JCI | 1200         |
| 1998                  | RACINE YOUTHFUL OFFENDER CORR. FACILITY       | 400          |
|                       | <b>TOTAL PRISON BED INCREASES 1979-1998</b>   | <b>5527</b>  |

**NOTE:** The 300 beds (2 dorms) at FLCI cannot be used for expansion until the sewage treatment project is completed.

Dominion Corp. is building prison on speculation in Stanley, WI

8/26/98REV/clg

H:\groups\budget\operating\capinc.3

### Out-of-State Contract Beds

| <u>State</u>   | <u>Beds<br/>Authorized</u> | <u>Beds Filled<br/>As of 8/21/98</u> |
|----------------|----------------------------|--------------------------------------|
| Texas          | 700                        | 698                                  |
| Oklahoma       | 300                        | 297                                  |
| Tennessee      | 1,500                      | 557                                  |
| <b>Totals!</b> | <b>2.500</b>               | <b>1,552</b>                         |

### Federal Contracts

|                        | <u>Beds<br/>Authorized</u> | <u>Beds Filled<br/>As of 8/21/98</u> |
|------------------------|----------------------------|--------------------------------------|
| Federal Facilities     | 50                         | 25                                   |
| Duluth                 | 300                        | 306                                  |
| West Virginia (female) | 120                        | 80                                   |
| <b>Totals</b>          | <b>470</b>                 | <b>411</b>                           |

### In-State Jail Contracts

|                  | <u>Beds<br/>Authorized</u> | <u>Beds Filled<br/>As of 8/21/98</u> |
|------------------|----------------------------|--------------------------------------|
| Jefferson County | 25                         | 16                                   |
| Manitowoc County | 44                         | 44                                   |
| Outagamie County | 220                        | 207                                  |
| St. Croix County | 15                         | 13                                   |
| <b>Totals</b>    | <b>304</b>                 | <b>280</b>                           |

|                     | <u>Beds<br/>Authorized</u> | <u>Beds Filled<br/>As of 8/21/98</u> |
|---------------------|----------------------------|--------------------------------------|
| <b>Grand Totals</b> | <b>3,274</b>               | <b>2,243</b>                         |

Additional beds to be added (2000 beds)

- Supermax (500)
- Redgranite (1000)
- Site to be determined (500)'

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<sup>1</sup> Stanley, Wisconsin