

1999 SENATE BILL 137

April 28, 1999 – Introduced by Senator RISSER, cosponsored by Representatives BOYLE, POCAN, YOUNG, MILLER, MORRIS-TATUM, RICHARDS and COGGS. Referred to Committee on Judiciary and Consumer Affairs.

1 **AN ACT** *to repeal* 20.505 (3) (c), 301.046 (3t), 301.048 (2) (cm), 301.048 (2m),
2 301.048 (6) (b), 301.35 (2) (bm), 302.045 (2) (cm), 302.045 (3m), 302.11 (1z),
3 302.113, 302.114, 304.02 (6), 807.15 (3) (c), 950.04 (1v) (vm), 972.15 (2c), 973.01
4 and 973.014 (1g); *to renumber and amend* 301.048 (6) (a); *to amend* 19.85
5 (1) (d), 20.410 (1) (b), 20.410 (1) (bn), 20.410 (1) (d), 20.410 (1) (g), 20.410 (1) (gb),
6 20.410 (1) (gc), 20.410 (1) (ge), 20.410 (1) (gf), 46.21 (1) (d), 46.23 (2) (a), 46.48
7 (8) (d) 1., 48.78 (2) (d) 5., 49.124 (6), 49.145 (2) (rm), 49.32 (10) (a) 2. a., 51.15
8 (1) (b) 2., 51.20 (1) (ar) (intro.), 51.20 (13) (g) 2m., 51.30 (4) (b) 10. (intro.), 51.30
9 (4) (b) 10. a., 51.30 (4) (b) 10. b., 51.30 (4) (b) 10. d., 51.37 (8) (a), 51.37 (8) (b),
10 51.37 (11), 100.171 (7) (b), 106.215 (8g) (b), 111.32 (3), 132.13 (1) (a), 165.76 (1)
11 (a), 165.76 (1) (e), 165.76 (2) (b) 1., 165.76 (2) (b) 2., 165.76 (2) (b) 3m., 165.76
12 (2) (b) 5., 165.76 (2) (b) 6., 165.84 (5), 227.03 (4), 230.36 (1), 230.36 (3) (c) (intro.),
13 230.36 (3) (c) 2., 230.36 (3) (c) 3., 301.03 (2r), 301.03 (3), 301.03 (3g), 301.03 (13),
14 301.046 (3) (intro.), 301.048 (1) (a), 301.048 (2) (b), 301.048 (2) (d), 301.048 (4)

SENATE BILL 137

1 (a), 301.048 (4) (am), 301.048 (4m) (b) (intro.), 301.048 (4m) (b) 1., 301.048 (4m)
2 (b) 2., 301.049 (2) (a) 2., 301.049 (3) (e), 301.08 (1) (c) 2., 3., 3m. and 5., 301.08
3 (3) (b) (intro.), 301.132 (2), 301.132 (3), 301.21 (1m) (a) 8., 301.21 (2m) (a) 6.,
4 301.32 (3) (a), 301.32 (3) (b), 301.38 (1) (am), 301.45 (1) (b), 301.45 (1) (bm),
5 301.45 (1) (dh), 301.45 (2) (a) 4. b., 301.45 (2) (e) 1., 301.45 (2) (e) 2., 301.45 (3)
6 (a) 1m., 301.45 (3) (a) 2., 301.45 (3) (b) 2., 301.45 (3) (b) 4., 301.45 (5) (a) 1m.,
7 301.46 (2) (b) 4. b., 302.045 (1), 302.045 (3), 302.045 (4), 302.11 (1), 302.11 (1g)
8 (am), 302.11 (1i), 302.11 (1p), 302.11 (6), 302.11 (9), 302.14, 302.17 (2), 302.25
9 (4) (c), 302.33 (2) (a) (intro.), 302.33 (2) (b), 302.335 (title), 302.335 (2) (intro.),
10 302.335 (2) (a) (intro.), 302.335 (2) (a) 1., 302.335 (2) (a) 2., 302.335 (2) (a) 3.,
11 302.335 (2) (b), 302.335 (3), 302.335 (4), 303.065 (1) (b), 303.21 (1) (a), 303.215,
12 304.02 (3) (c), 304.02 (4), 304.02 (5), 304.06 (1) (b), 304.06 (1y), 304.062 (title),
13 304.062 (1), 304.062 (2), 304.063 (title), 304.063 (2) (intro.), 304.063 (3), 304.071
14 (2), 304.072 (title), 304.072 (1), 304.072 (2), 304.072 (3), 304.072 (4), 304.073 (2),
15 304.073 (2m) (a), 304.073 (4), 304.074 (title), 304.074 (2), 304.074 (3) (intro.),
16 304.074 (3) (d), 304.074 (4), 304.074 (4m) (a), 304.075, 304.13 (1) (intro.), 304.13
17 (2), 304.13 (3), 304.13 (7), 304.13 (8) (b), 304.135, 304.137, 304.14, 343.06 (1) (i),
18 343.30 (2d), 563.14 (2), 563.27 (1), 563.51 (29) (b), 801.50 (5), 807.15 (2) (intro.),
19 807.15 (3) (a), 938.183 (3), 938.78 (2) (d) 5., 938.991 (1), 938.991 (3) (c), 938.991
20 (5) (a), 938.991 (5) (am), 938.991 (6), 938.991 (7) (title), 938.991 (7) (a), 938.991
21 (7) (b), 938.991 (7) (c), 938.991 (14), 938.993 (2), 939.62 (2m) (c), 940.20 (2m)
22 (title), 940.20 (2m) (a) 2., 940.20 (2m) (b), 942.06 (2m) (a), 942.06 (2q) (a) (intro.),
23 946.42 (1) (a), 946.46, 950.04 (1v) (v), 961.49 (2) (am), 961.49 (2) (b), 969.01 (4),
24 971.11 (1), 972.13 (6), 972.15 (5) (intro.), 973.013 (1) (b), 973.013 (2), 973.0135
25 (2) (intro.), 973.014 (title), 973.014 (1) (intro.), 973.014 (1) (c), 973.014 (2),

SENATE BILL 137

1 973.032 (1), 973.10 (1), 973.15 (2) (b), 973.15 (6), 973.155 (1) (b), 973.155 (2),
2 973.155 (5), 973.20 (1r), 973.20 (10), 975.10 (1), 976.03 (3), 976.03 (13), 976.03
3 (22), 976.03 (23) (b), 976.03 (27) (a), 976.05 (3) (a), 976.05 (4) (b), 977.05 (6) (h)
4 (intro.), 977.05 (6) (h) 1., 977.05 (6) (h) 2., 978.07 (1) (c) 1., 980.015 (2) (a), 980.02
5 (1) (b) 2., 980.02 (2) (ag) and 980.02 (4) (am); and ***to repeal and recreate*** 11.61
6 (1) (a), 11.61 (1) (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 23.33 (13) (cg), 26.14
7 (8), 29.971 (1) (c), 29.971 (1m) (c), 29.971 (11m) (a), 29.971 (11p) (a), 30.80 (2g)
8 (b), 30.80 (2g) (c), 30.80 (2g) (d), 30.80 (3m), 36.25 (6) (d), 47.03 (3) (d), 49.127
9 (8) (a) 2., 49.127 (8) (b) 2., 49.127 (8) (c), 49.141 (7) (a), 49.141 (7) (b), 49.141 (9)
10 (a), 49.141 (9) (b), 49.141 (10) (b), 49.49 (1) (b) 1., 49.49 (2) (a), 49.49 (2) (b), 49.49
11 (3), 49.49 (3m) (b), 49.49 (4) (b), 49.95 (1), 51.15 (12), 55.06 (11) (am), 66.4025
12 (1) (b), 66.4025 (1) (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4),
13 97.43 (4), 97.45 (2), 100.26 (2), 100.26 (5), 100.26 (7), 101.143 (10) (b), 101.94 (8)
14 (b), 102.835 (11), 102.835 (18), 102.85 (3), 108.225 (11), 108.225 (18), 114.20 (18)
15 (c), 125.075 (2), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b),
16 125.68 (12) (c), 132.20 (2), 133.03 (1), 133.03 (2), 134.05 (4), 134.16, 134.20 (1)
17 (intro.), 134.205 (4), 134.58, 139.44 (1), 139.44 (1m), 139.44 (2), 139.44 (8) (c),
18 139.95 (2), 139.95 (3), 146.345 (3), 146.35 (5), 146.60 (9) (am), 146.70 (10) (a),
19 154.15 (2), 154.29 (2), 166.20 (11) (b) 1., 166.20 (11) (b) 2., 167.10 (9) (g), 175.20
20 (3), 180.0129 (2), 181.0129 (2), 185.825, 200.09 (2), 214.93, 215.02 (6) (b),
21 215.12, 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2),
22 221.0637 (2), 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.),
23 291.97 (2) (c), 299.53 (4) (c) 2., 302.095 (2), 341.605 (3), 342.06 (2), 342.065 (4)
24 (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a), 342.32 (3), 344.48 (2), 346.17
25 (3) (a), 346.17 (3) (b), 346.17 (3) (c), 346.17 (3) (d), 346.65 (5), 346.74 (5) (b),

SENATE BILL 137

1 346.74 (5) (c), 346.74 (5) (d), 350.11 (2m), 446.07, 447.09, 450.11 (9) (b), 450.14
2 (5), 450.15 (2), 551.58 (1), 552.19 (1), 553.52 (1), 553.52 (2), 562.13 (3), 562.13
3 (4), 565.50 (2), 565.50 (3), 601.64 (4), 641.19 (4) (a), 641.19 (4) (b), 765.30 (1)
4 (intro.), 765.30 (2) (intro.), 768.07, 783.07, 939.50 (3) (b), 939.50 (3) (bc), 939.50
5 (3) (c), 939.50 (3) (d), 939.50 (3) (e), 939.615 (3) (b), 946.85 (1), 961.41 (1) (a),
6 961.41 (1) (b), 961.41 (1) (cm) 1., 961.41 (1) (cm) 2., 961.41 (1) (cm) 3., 961.41 (1)
7 (cm) 4., 961.41 (1) (cm) 5., 961.41 (1) (d) 1., 961.41 (1) (d) 2., 961.41 (1) (d) 3.,
8 961.41 (1) (d) 4., 961.41 (1) (d) 5., 961.41 (1) (d) 6., 961.41 (1) (e) 1., 961.41 (1)
9 (e) 2., 961.41 (1) (e) 3., 961.41 (1) (e) 4., 961.41 (1) (e) 5., 961.41 (1) (e) 6., 961.41
10 (1) (f) 1., 961.41 (1) (f) 2., 961.41 (1) (f) 3., 961.41 (1) (g) 1., 961.41 (1) (g) 2., 961.41
11 (1) (g) 3., 961.41 (1) (h) 1., 961.41 (1) (h) 2., 961.41 (1) (h) 3., 961.41 (1) (i), 961.41
12 (1) (j), 961.41 (1m) (a), 961.41 (1m) (b), 961.41 (1m) (cm) 1., 961.41 (1m) (cm) 2.,
13 961.41 (1m) (cm) 3., 961.41 (1m) (cm) 4., 961.41 (1m) (cm) 5., 961.41 (1m) (d) 1.,
14 961.41 (1m) (d) 2., 961.41 (1m) (d) 3., 961.41 (1m) (d) 4., 961.41 (1m) (d) 5.,
15 961.41 (1m) (d) 6., 961.41 (1m) (e) 1., 961.41 (1m) (e) 2., 961.41 (1m) (e) 3., 961.41
16 (1m) (e) 4., 961.41 (1m) (e) 5., 961.41 (1m) (e) 6., 961.41 (1m) (f) 1., 961.41 (1m)
17 (f) 2., 961.41 (1m) (f) 3., 961.41 (1m) (g) 1., 961.41 (1m) (g) 2., 961.41 (1m) (g) 3.,
18 961.41 (1m) (h) 1., 961.41 (1m) (h) 2., 961.41 (1m) (h) 3., 961.41 (1m) (i), 961.41
19 (1m) (j), 961.41 (1n) (c), 961.41 (2) (a), 961.41 (2) (b), 961.41 (2) (c), 961.41 (2)
20 (d), 961.41 (3g) (a) 1., 961.41 (3g) (a) 2., 961.41 (4) (am) 3., 961.42 (2), 961.43 (2),
21 961.455 (1), 968.31 (1) (intro.), 968.34 (3), 968.43 (3) and 977.06 (2) (b) of the

SENATE BILL 137

1 statutes; **relating to:** sentences for felony offenses, parole, eliminating
2 extended supervision and providing penalties.

Analysis by the Legislative Reference Bureau

This bill eliminates the changes made by 1997 Wisconsin Act 283 (the “truth in sentencing” act) to felony penalties and to the structure of felony sentences. Specifically, the bill does the following:

Felony penalties

Current law provides penalties for felonies, which are crimes punishable by imprisonment of more than one year. A felony created in the criminal code is put in one of six classes (Class A, B, BC, C, D or E) and each class has a specific maximum term of imprisonment and a maximum fine. Class A felonies are punishable by life imprisonment. For crimes committed before December 31, 1999, the maximum terms of imprisonment for the other classes of felonies are as follows:

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

1997 Wisconsin Act 283 (the “truth in sentencing” act) increased these maximum terms of imprisonment for felonies that are committed on or after December 31, 1999. The maximum terms of imprisonment for the classes of felonies under 1997 Wisconsin Act 283 are as follows:

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

1997 Wisconsin Act 283 also increased penalties for nonclassified felony offenses committed on or after December 31, 1999. The penalties are increased by 50% or one year, whichever is greater. Thus, under 1997 Wisconsin Act 283, a maximum penalty of one year of imprisonment will increase to two years of imprisonment, while a maximum penalty of five years of imprisonment will increase to seven years and six months.

This bill eliminates all of the penalty increases made by 1997 Wisconsin Act 283 and restores the penalties provided for offenses committed before December 31, 1999.

SENATE BILL 137***The structure of felony sentences***

1. *The structure of prison sentences for felony offenses committed before December 31, 1999.* If a person who commits a felony before December 31, 1999, is sentenced to prison, the person will usually have three possible ways of being released from prison on parole: discretionary parole granted by the parole commission (for which a person is usually eligible after serving 25% of the sentence or six months, whichever is greater); mandatory release on parole (usually granted automatically after the person serves two-thirds of the sentence); or special action parole release by the secretary of corrections (a program designed to relieve prison crowding).

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

If a person is sentenced to life imprisonment for an offense committed before December 31, 1999, the person usually must serve 20 years minus time calculated under the mandatory release formula before he or she is eligible for release on parole. If the person does not receive extensions due to violations of prison rules, he or she reaches parole eligibility after serving 13 years, four months. However, a judge may set a parole eligibility date for a person serving a life sentence that is later than the usual parole eligibility date or may provide that the person is not eligible for parole. Also, if a person has two convictions for any of certain serious felonies and is then convicted a third time for another serious felony, he or she must be sentenced to life without parole (the so-called “three strikes, you’re out” law). Likewise, if a person has one conviction for any of certain serious child sex offenses and is then convicted a second time for another serious child sex offense, he or she must be sentenced to life without parole (the so-called “two strikes, you’re out” law for serious child sex offenders). No person serving a life sentence of any kind is entitled to mandatory release.

2. *The structure of prison sentences for felony offenses committed on or after December 31, 1999.* Under 1997 Wisconsin Act 283, if a court chooses to sentence a felony offender to a term of imprisonment in state prison for a felony committed on or after December 31, 1999, the court must do so by imposing a bifurcated sentence that includes a term of confinement in prison followed by a term of community supervision. The offender is not eligible for parole. A bifurcated sentence imposed under the bill must be structured as follows:

SENATE BILL 137

1) The total length of the bifurcated sentence may not exceed the maximum term of imprisonment allowable for the felony.

2) The court must set the term of confinement in prison portion of the sentence to be at least one year but not more than 40 years for a Class B felony, 20 years for a Class BC felony, ten years for a Class C felony, five years for a Class D felony, or two years for a Class E felony. If the person is being sentenced for a felony that is not in one of these classes, the term of confinement in prison portion of the sentence must be at least one year but not more than 75% of the total length of the bifurcated sentence.

3) The term of community supervision must equal at least 25% of the length of the term of confinement in prison.

Thus, for example, if a person is convicted of a Class B felony committed on or after December 31, 1999, and a judge sentenced the person to the maximum allowable 40-year term of confinement in prison, the term of community supervision would have to be at least ten years but could not be more than 20 years.

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

If a person is sentenced to life imprisonment for a crime committed on or after December 31, 1999, he or she is not eligible for parole. Instead, the judge who is sentencing the person to life imprisonment must do one of the following: 1) provide that the person is eligible for community supervision after serving 20 years; 2) set a date on which the person becomes eligible for community supervision, as long as that date requires the person to serve at least 20 years; or 3) provide that the person is not eligible for community supervision. If the court provides that the person is eligible for community supervision, the person may petition the sentencing court for release to community supervision on or after the community supervision eligibility date. A person sentenced to life who is released to community supervision is on community supervision for the remainder of his or her life and, like a person on community supervision under a bifurcated sentence (see above), may have his or her community supervision revoked and be returned to prison if he or she violates a condition of community supervision. The bill does not affect persons sentenced to life imprisonment without the possibility of parole under the “three strikes, you’re out” or “two strikes, you’re out” laws.

3. *What this bill does.* This bill eliminates the sentencing procedure created in 1997 Wisconsin Act 283. Thus, under the bill a prison sentence for a felony that is committed on or after the date the bill becomes law will be structured in the same way as prison sentences for offenses committed before December 31, 1999.

SENATE BILL 137

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

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

1 **SECTION 1.** 11.61 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is repealed and recreated to read:

3 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07
4 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) may be fined not more than \$10,000
5 or imprisoned for not more than 3 years or both.

6 **SECTION 2.** 11.61 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is repealed and recreated to read:

8 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)
9 or 11.38 where the intentional violation does not involve a specific figure, or where
10 the intentional violation concerns a figure that exceeds \$100 in amount or value may
11 be fined not more than \$10,000 or imprisoned for not more than 3 years or both.

12 **SECTION 3.** 12.60 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is repealed and recreated to read:

14 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) or (3) (a), (e), (f),
15 (j), (k), (L), (m), (y) or (z) may be fined not more than \$10,000 or imprisoned for not
16 more than 3 years or both.

17 **SECTION 4.** 13.05 of the statutes, as affected by 1997 Wisconsin Act 283, is
18 repealed and recreated to read:

19 **13.05 Logrolling prohibited.** Any member of the legislature who gives,
20 offers or promises to give his or her vote or influence in favor of or against any
21 measure or proposition pending or proposed to be introduced, in the legislature in

SENATE BILL 137

1 consideration or upon condition that any other person elected to the same legislature
2 will give or will promise or agree to give his or her vote or influence in favor of or
3 against any other measure or proposition pending or proposed to be introduced in
4 such legislature, or who gives, offers or promises to give his or her vote or influence
5 for or against any measure on condition that any other member will give his or her
6 vote or influence in favor of any change in any other bill pending or proposed to be
7 introduced in the legislature may be fined not less than \$500 nor more than \$1,000
8 or imprisoned for not less than one year nor more than 3 years or both.

9 **SECTION 5.** 13.06 of the statutes, as affected by 1997 Wisconsin Act 283, is
10 repealed and recreated to read:

11 **13.06 Executive favor.** Any member of the legislature who gives, offers or
12 promises to give his or her vote or influence in favor of or against any measure or
13 proposition pending or proposed to be introduced in the legislature, or that has
14 already been passed by either house of the legislature, in consideration of or on
15 condition that the governor approve, disapprove, veto or sign, or agree to approve,
16 disapprove, veto or sign, any other measure or proposition pending or proposed to be
17 introduced in the legislature or that has already been passed by the legislature, or
18 either house thereof, or in consideration or upon condition that the governor
19 nominate for appointment or appoint or remove any person to or from any office or
20 position under the laws of this state, may be fined not less than \$500 nor more than
21 \$1,000 or imprisoned for not less than one year nor more than 2 years or both.

22 **SECTION 6.** 13.69 (6m) of the statutes, as affected by 1997 Wisconsin Act 283,
23 is repealed and recreated to read:

24 **13.69 (6m)** Any principal, lobbyist or other individual acting on behalf of a
25 principal who files a statement under s. 13.63 (1), 13.64, 13.65, 13.67 or 13.68 that

SENATE BILL 137

1 he or she does not believe to be true may be fined not more than \$10,000 or
2 imprisoned for not more than 5 years or both.

3 **SECTION 7.** 19.85 (1) (d) of the statutes is amended to read:

4 19.85 (1) (d) Except as provided in s. 304.06 (1) (eg) and by ~~rule~~ rules
5 promulgated under s. 304.06 (1) (em), considering specific applications of probation,
6 ~~extended supervision~~ or parole, or considering strategy for crime detection or
7 prevention.

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

9 20.410 (1) (b) *Services for community corrections.* The amounts in the schedule
10 to provide services related to probation, ~~extended supervision~~ and parole, the
11 intensive sanctions program under s. 301.048, the community residential
12 confinement program under s. 301.046, programs of intensive supervision of adult
13 offenders and minimum security correctional institutions established under s.
14 301.13. No payments may be made under this paragraph for payments in accordance
15 with other states party to the interstate corrections compact under s. 302.25.

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

17 20.410 (1) (bn) *Reimbursing counties for probation, ~~extended supervision~~ and*
18 *parole holds.* The amounts in the schedule for payments to counties under s. 302.33
19 (2) (a) for costs relating to maintaining persons in custody pending the disposition
20 of their parole, ~~extended supervision~~ or probation revocation proceedings.

21 **SECTION 10.** 20.410 (1) (d) of the statutes is amended to read:

22 20.410 (1) (d) *Purchased services for offenders.* The amounts in the schedule
23 for the purchase of goods, care and services, including community-based residential
24 care, authorized under s. 301.08 (1) (b) 1., for inmates, probationers, and parolees

SENATE BILL 137

1 ~~and persons on extended supervision.~~ In addition, funds from this appropriation
2 shall be used to reimburse programs under s. 38.04 (12).

3 **SECTION 11.** 20.410 (1) (g) of the statutes is amended to read:

4 20.410 (1) (g) *Loan fund for persons on probation, ~~extended supervision or~~*
5 *parole.* The amounts in the schedule for the purposes specified in ss. 301.32 (3) and
6 304.075. All moneys received belonging to absconding probationers, and parolees,
7 ~~and persons on extended supervision~~ under ss. 301.32 (3) and 304.075 shall be
8 credited to this appropriation.

9 **SECTION 12.** 20.410 (1) (gb) of the statutes is amended to read:

10 20.410 (1) (gb) *Drug testing.* All moneys received from probation, ~~extended~~
11 ~~supervision~~ and parole clients who are required to pay for their drug testing, as
12 prescribed by rule in accordance with s. 301.03 (3), for expenditures related to the
13 drug testing program for probationers, and parolees ~~and persons on extended~~
14 ~~supervision~~ under s. 301.03 (3).

15 **SECTION 13.** 20.410 (1) (gc) of the statutes is amended to read:

16 20.410 (1) (gc) *Sex offender honesty testing.* All moneys received from
17 ~~probation, extended supervision~~ and parole clients who are required to pay for
18 polygraph examinations, as prescribed by rule in accordance with s. 301.132 (3), for
19 expenditures related to the lie detector test program for probationers, ~~extended~~
20 ~~supervision~~ and parolees under s. 301.132.

21 **SECTION 14.** 20.410 (1) (ge) of the statutes is amended to read:

22 20.410 (1) (ge) *Administrative and minimum supervision.* The amounts in the
23 schedule for the supervision of probationers, and parolees ~~and persons on extended~~
24 ~~supervision~~ under minimum or administrative supervision and for the department's
25 costs associated with contracts under s. 301.08 (1) (c) 2. All moneys received from

SENATE BILL 137

1 vendors under s. 301.08 (1) (c) 4. and from fees charged under s. 304.073 (2) shall be
2 credited to this appropriation account.

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

4 20.410 (1) (gf) *Probation, and parole and extended supervision.* The amounts
5 in the schedule for probation, and parole ~~and extended supervision.~~ All moneys
6 received from fees charged under s. 304.074 (2) shall be credited to this appropriation
7 account.

8 **SECTION 16.** 20.505 (3) (c) of the statutes is repealed.

9 **SECTION 17.** 23.33 (13) (cg) of the statutes, as affected by 1997 Wisconsin Act
10 283, is repealed and recreated to read:

11 23.33 (13) (cg) *Penalties related to causing death or injury; interference with*
12 *signs and standards.* A person who violates sub. (8) (f) 1. shall be fined not more than
13 \$10,000 or imprisoned for not more than 2 years or both if the violation causes the
14 death or injury, as defined in s. 30.67 (3) (b), of another person.

15 **SECTION 18.** 26.14 (8) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is repealed and recreated to read:

17 26.14 (8) Any person who intentionally sets fire to the land of another or to a
18 marsh shall be fined not more than \$10,000 or imprisoned for not more than 5 years
19 or both.

20 **SECTION 19.** 29.971 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is repealed and recreated to read:

22 29.971 (1) (c) For having fish in his or her possession in violation of this chapter
23 and the value of the fish under par. (d) exceeds \$1,000, by a fine of not more than
24 \$10,000 or imprisonment for not more than 2 years or both.

SENATE BILL 137

1 **SECTION 20.** 29.971 (1m) (c) of the statutes, as affected by 1997 Wisconsin Act
2 283, is repealed and recreated to read:

3 29.971 **(1m)** (c) For possessing clams in violation of s. 29.537, if the value of the
4 clams under par. (d) exceeds \$1,000, by a fine of not more than \$10,000 or
5 imprisonment for not more than 2 years or both.

6 **SECTION 21.** 29.971 (11m) (a) of the statutes, as affected by 1997 Wisconsin Act
7 283, is repealed and recreated to read:

8 29.971 **(11m)** (a) For shooting, shooting at, killing, taking, catching or
9 possessing a bear without a valid Class A bear license, or for possessing a bear that
10 does not have a carcass tag attached or possessing a bear during the closed season,
11 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
12 more than 6 months or both for the first violation, or by a fine of not more than \$5,000
13 or imprisonment for not more than one year or both for any subsequent violation,
14 and, in addition, the court shall revoke all hunting approvals issued to the person
15 under this chapter and shall prohibit the issuance of any new hunting approval
16 under this chapter to the person for 3 years.

17 **SECTION 22.** 29.971 (11p) (a) of the statutes, as affected by 1997 Wisconsin Act
18 283, is repealed and recreated to read:

19 29.971 **(11p)** (a) For entering the den of a hibernating black bear and harming
20 the bear, by a fine of not more than \$10,000 or imprisonment for not more than one
21 year or both.

22 **SECTION 23.** 30.80 (2g) (b) of the statutes, as affected by 1997 Wisconsin Act
23 283, is repealed and recreated to read:

SENATE BILL 137

1 30.80 **(2g)** (b) Shall be fined not less than \$300 nor more than \$5,000 or
2 imprisoned for not more than one year or both if the accident involved injury to a
3 person but the person did not suffer great bodily harm.

4 **SECTION 24.** 30.80 (2g) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is repealed and recreated to read:

6 30.80 **(2g)** (c) Shall be fined not more than \$10,000 or imprisoned for not more
7 than 2 years or both if the accident involved injury to a person and the person
8 suffered great bodily harm.

9 **SECTION 25.** 30.80 (2g) (d) of the statutes, as affected by 1997 Wisconsin Act
10 283, is repealed and recreated to read:

11 30.80 **(2g)** (d) Shall be fined not more than \$10,000 or imprisoned for not more
12 than 5 years or both if the accident involved death to a person.

13 **SECTION 26.** 30.80 (3m) of the statutes, as affected by 1997 Wisconsin Act 283,
14 is repealed and recreated to read:

15 30.80 **(3m)** Any person violating s. 30.547 (1), (3) or (4) shall be fined not more
16 than \$5,000 or imprisoned not more than 5 years or both.

17 **SECTION 27.** 36.25 (6) (d) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is repealed and recreated to read:

19 36.25 **(6)** (d) Any officer, agent, clerk or employe of the survey or department
20 of revenue who makes known to any person except the officers of the survey or
21 department of revenue, in any manner, any information given to such person in the
22 discharge of such person's duties under par. (c), which information was given to such
23 person with the request that it not be made known, upon conviction thereof, shall be
24 fined not less than \$50 nor more than \$500 or imprisoned for not less than one month

SENATE BILL 137

1 nor more than 2 years. This paragraph shall not prevent the use for assessment
2 purposes of any information obtained under this subsection.

3 **SECTION 28.** 46.21 (1) (d) of the statutes is amended to read:

4 46.21 (1) (d) “Human services” means the total range of services to people,
5 including mental illness treatment, developmental disabilities services, physical
6 disabilities services, relief funded by a relief block grant under ch. 49, income
7 maintenance, youth probation, ~~extended supervision~~ and parole services, alcohol
8 and drug abuse services, services to children, youth and families, family counseling,
9 early intervention services for children from birth to the age of 3 and manpower
10 services. “Human services” does not include child welfare services under s. 48.48 (17)
11 administered by the department in a county having a population of 500,000 or more.

12 **SECTION 29.** 46.23 (2) (a) of the statutes is amended to read:

13 46.23 (2) (a) “Human services” means the total range of services to people
14 including, but not limited to, health care, mental illness treatment, developmental
15 disabilities services, relief funded by a block grant under ch. 49, income
16 maintenance, probation, ~~extended supervision~~ and parole services, alcohol and drug
17 abuse services, services to children, youth and aging, family counseling, special
18 education services and manpower services.

19 **SECTION 30.** 46.48 (8) (d) 1. of the statutes is amended to read:

20 46.48 (8) (d) 1. The use of liaisons to meet with prospective program
21 participants to provide information about the program and to assist program
22 participants, prior to their release on ~~extended supervision or parole~~, in planning for
23 and obtaining the housing, employment, education and treatment that they will
24 need upon release.

SENATE BILL 137**SECTION 31**

1 **SECTION 31.** 47.03 (3) (d) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is repealed and recreated to read:

3 47.03 **(3)** (d) Any person who violates this subsection shall be fined not more
4 than \$1,000 or imprisoned for not more than one year or both.

5 **SECTION 32.** 48.78 (2) (d) 5. of the statutes is amended to read:

6 48.78 **(2)** (d) 5. On parole under s. 302.11 or ch. 304 ~~or on extended supervision~~
7 ~~under s. 302.113 or 302.114.~~

8 **SECTION 33.** 49.124 (6) of the statutes is amended to read:

9 49.124 **(6)** INELIGIBILITY FOR FUGITIVE FELONS. No person is eligible for the food
10 stamp program in a month in which that person is a fugitive felon under 7 USC 2015
11 (k) (1) or is violating a condition of probation, ~~extended supervision~~ or parole imposed
12 by a state or federal court.

13 **SECTION 34.** 49.127 (8) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
14 283, is repealed and recreated to read:

15 49.127 **(8)** (a) 2. If the value of the food coupons exceeds \$100, but is less than
16 \$5,000, a person who violates this section may be fined not more than \$10,000 or
17 imprisoned for not more than 5 years or both.

18 **SECTION 35.** 49.127 (8) (b) 2. of the statutes, as affected by 1997 Wisconsin Act
19 283, is repealed and recreated to read:

20 49.127 **(8)** (b) 2. If the value of the food coupons exceeds \$100, but is less than
21 \$5,000, a person who violates this section may be fined not more than \$10,000 or
22 imprisoned for not more than 5 years or both.

23 **SECTION 36.** 49.127 (8) (c) of the statutes, as affected by 1997 Wisconsin Act 283,
24 is repealed and recreated to read:

SENATE BILL 137

1 49.127 **(8)** (c) For any offense under this section, if the value of the food coupons
2 is \$5,000 or more, a person who violates this section may be fined not more than
3 \$250,000 or imprisoned for not more than 20 years or both.

4 **SECTION 37.** 49.141 (7) (a) of the statutes, as affected by 1997 Wisconsin Act
5 283, is repealed and recreated to read:

6 49.141 **(7)** (a) A person who is convicted of violating sub. (6) in connection with
7 the furnishing by that person of items or services for which payment is or may be
8 made under Wisconsin works may be fined not more than \$25,000 or imprisoned for
9 not more than 5 years or both.

10 **SECTION 38.** 49.141 (7) (b) of the statutes, as affected by 1997 Wisconsin Act
11 283, is repealed and recreated to read:

12 49.141 **(7)** (b) A person, other than a person under par. (a), who is convicted of
13 violating sub. (6) may be fined not more than \$10,000 or imprisoned for not more than
14 one year or both.

15 **SECTION 39.** 49.141 (9) (a) of the statutes, as affected by 1997 Wisconsin Act
16 283, is repealed and recreated to read:

17 49.141 **(9)** (a) Whoever solicits or receives any remuneration in cash or in-kind,
18 in return for referring an individual to a person for the furnishing or arranging for
19 the furnishing of any item or service for which payment may be made in whole or in
20 part under Wisconsin works, or in return for purchasing, leasing, ordering, or
21 arranging for or recommending purchasing, leasing, or ordering any good, facility,
22 service or item for which payment may be made in whole or in part under Wisconsin
23 works, may be fined not more than \$25,000 or imprisoned for not more than 5 years
24 or both.

SENATE BILL 137

1 **SECTION 40.** 49.141 (9) (b) of the statutes, as affected by 1997 Wisconsin Act
2 283, is repealed and recreated to read:

3 49.141 **(9)** (b) Whoever offers or pays any remuneration in cash or in-kind to
4 any person to induce the person to refer an individual to a person for the furnishing
5 or arranging for the furnishing of any item or service for which payment may be made
6 in whole or in part under Wisconsin works, or to purchase, lease, order, or arrange
7 for or recommend purchasing, leasing, or ordering any good, facility, service or item
8 for which payment may be made in whole or in part under any provision of Wisconsin
9 works, may be fined not more than \$25,000 or imprisoned for not more than 5 years
10 or both.

11 **SECTION 41.** 49.141 (10) (b) of the statutes, as affected by 1997 Wisconsin Act
12 283, is repealed and recreated to read:

13 49.141 **(10)** (b) A person who violates this subsection may be fined not more
14 than \$25,000 or imprisoned for not more than 5 years or both.

15 **SECTION 42.** 49.145 (2) (rm) of the statutes is amended to read:

16 49.145 **(2)** (rm) The individual is not violating a condition of probation,
17 ~~extended supervision~~ or parole imposed under federal or state law.

18 **SECTION 43.** 49.32 (10) (a) 2. a. of the statutes is amended to read:

19 49.32 **(10)** (a) 2. a. That the recipient or participant is a fugitive felon under 42
20 USC 608 (a) (9), is violating a condition of probation, ~~extended supervision~~ or parole
21 imposed under state or federal law or has information that is necessary for the officer
22 to conduct the official duties of the officer.

23 **SECTION 44.** 49.49 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin Act
24 283, is repealed and recreated to read:

SENATE BILL 137

1 49.49 (1) (b) 1. In the case of such a statement, representation, concealment,
2 failure, or conversion by any person in connection with the furnishing by that person
3 of items or services for which medical assistance is or may be made, a person
4 convicted of violating this subsection may be fined not more than \$25,000 or
5 imprisoned for not more than 5 years or both.

6 **SECTION 45.** 49.49 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is repealed and recreated to read:

8 49.49 (2) (a) *Solicitation or receipt of remuneration.* Any person who solicits
9 or receives any remuneration, including any kickback, bribe, or rebate, directly or
10 indirectly, overtly or covertly, in cash or in-kind, in return for referring an individual
11 to a person for the furnishing or arranging for the furnishing of any item or service
12 for which payment may be made in whole or in part under a medical assistance
13 program, or in return for purchasing, leasing, ordering, or arranging for or
14 recommending purchasing, leasing, or ordering any good, facility, service or item for
15 which payment may be made in whole or in part under a medical assistance program,
16 may be fined not more than \$25,000 or imprisoned for not more than 5 years or both.

17 **SECTION 46.** 49.49 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is repealed and recreated to read:

19 49.49 (2) (b) *Offer or payment of remuneration.* Whoever offers or pays any
20 remuneration including any kickback, bribe, or rebate directly or indirectly, overtly
21 or covertly, in cash or in-kind to any person to induce such person to refer an
22 individual to a person for the furnishing or arranging for the furnishing of any item
23 or service for which payment may be made in whole or in part under a medical
24 assistance program, or to purchase, lease, order, or arrange for or recommend
25 purchasing, leasing, or ordering any good, facility, service or item for which payment

SENATE BILL 137

1 may be made in whole or in part under a medical assistance program, may be fined
2 not more than \$25,000 or imprisoned for not more than 5 years or both.

3 **SECTION 47.** 49.49 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is repealed and recreated to read:

5 49.49 **(3)** FRAUDULENT CERTIFICATION OF FACILITIES. No person may knowingly
6 and wilfully make or cause to be made, or induce or seek to induce the making of, any
7 false statement or representation of a material fact with respect to the conditions or
8 operation of any institution or facility in order that such institution or facility may
9 qualify either upon initial certification or upon recertification as a hospital, skilled
10 nursing facility, intermediate care facility or home health agency. Violators of this
11 subsection may be fined not more than \$25,000 or imprisoned for not more than 5
12 years or both.

13 **SECTION 48.** 49.49 (3m) (b) of the statutes, as affected by 1997 Wisconsin Act
14 283, is repealed and recreated to read:

15 49.49 **(3m)** (b) A person who violates this subsection may be fined not more
16 than \$25,000 or imprisoned for not more than 5 years or both.

17 **SECTION 49.** 49.49 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is repealed and recreated to read:

19 49.49 **(4)** (b) A person who violates this subsection may be fined not more than
20 \$25,000 or imprisoned for not more than 5 years or both.

21 **SECTION 50.** 49.95 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is repealed and recreated to read:

23 49.95 **(1)** Any person who, with intent to secure public assistance under this
24 chapter, whether for himself or herself or for some other person, wilfully makes any
25 false representations may, if the value of the assistance so secured does not exceed

SENATE BILL 137

1 \$300, be required to forfeit not more than \$1,000; if the value of the assistance
2 exceeds \$300 but does not exceed \$1,000, be fined not more than \$250 or imprisoned
3 for not more than 6 months or both; if the value of the assistance exceeds \$1,000 but
4 does not exceed \$2,500, be fined not more than \$500 or imprisoned for not more than
5 5 years or both; and if the value of the assistance exceeds \$2,500, be punished as
6 prescribed under s. 943.20 (3) (c).

7 **SECTION 51.** 51.15 (1) (b) 2. of the statutes is amended to read:

8 51.15 (1) (b) 2. A specific recent overt act or attempt or threat to act or omission
9 by the individual which is reliably reported to the officer or person by any other
10 person, including any probation, ~~extended supervision~~ and parole agent authorized
11 by the department of corrections to exercise control and supervision over a
12 probationer; or parolee ~~or person on extended supervision~~.

13 **SECTION 52.** 51.15 (12) of the statutes, as affected by 1997 Wisconsin Act 283,
14 is repealed and recreated to read:

15 51.15 (12) PENALTY. Whoever signs a statement under sub. (4), (5) or (10)
16 knowing the information contained therein to be false may be fined not more than
17 \$5,000 or imprisoned for not more than 5 years or both.

18 **SECTION 53.** 51.20 (1) (ar) (intro.) of the statutes is amended to read:

19 51.20 (1) (ar) (intro.) If the individual is an inmate of a state prison, the petition
20 may allege that the inmate is mentally ill, is a proper subject for treatment and is
21 in need of treatment. The petition shall allege that appropriate less restrictive forms
22 of treatment have been attempted with the individual and have been unsuccessful
23 and it shall include a description of the less restrictive forms of treatment that were
24 attempted. The petition shall also allege that the individual has been fully informed
25 about his or her treatment needs, the mental health services available to him or her

SENATE BILL 137**SECTION 53**

1 and his or her rights under this chapter and that the individual has had an
2 opportunity to discuss his or her needs, the services available to him or her and his
3 or her rights with a licensed physician or a licensed psychologist. The petition shall
4 include the inmate's sentence and his or her expected date of release as determined
5 under s. 302.11 or ~~302.113, whichever is applicable.~~ The petition shall have attached
6 to it a signed statement by a licensed physician or a licensed psychologist of a state
7 prison and a signed statement by a licensed physician or a licensed psychologist of
8 a state treatment facility attesting either of the following:

9 **SECTION 54.** 51.20 (13) (g) 2m. of the statutes is amended to read:

10 51.20 **(13)** (g) 2m. In addition to the provisions under subds. 1., 2. and 2g., no
11 commitment ordered under par. (a) 4. or 4m. may continue beyond the inmate's date
12 of release ~~on parole or extended supervision,~~ as determined under s. 302.11 or
13 ~~302.113, whichever is applicable.~~

14 **SECTION 55.** 51.30 (4) (b) 10. (intro.) of the statutes is amended to read:

15 51.30 **(4)** (b) 10. (intro.) To a correctional facility or to a probation, ~~extended~~
16 ~~supervision~~ and parole agent who is responsible for the supervision of an individual
17 who is receiving inpatient or outpatient evaluation or treatment under this chapter
18 in a program that is operated by, or is under contract with, the department or a
19 county department under s. 51.42 or 51.437, or in a treatment facility, as a condition
20 of the probation, ~~extended supervision~~ and parole supervision plan, or whenever
21 such an individual is transferred from a state or local correctional facility to such a
22 treatment program and is then transferred back to the correctional facility. Every
23 probationer, or parolee ~~or person on extended supervision~~ who receives evaluation
24 or treatment under this chapter shall be notified of the provisions of this subdivision

SENATE BILL 137

1 by the individual's probation, ~~extended supervision~~ and parole agent. Release of
2 records under this subdivision is limited to:

3 **SECTION 56.** 51.30 (4) (b) 10. a. of the statutes is amended to read:

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

6 **SECTION 57.** 51.30 (4) (b) 10. b. of the statutes is amended to read:

7 51.30 **(4)** (b) 10. b. The discharge summary, including a record or summary of
8 all somatic treatments, at the termination of any treatment which is provided as part
9 of the probation, ~~extended supervision~~ and parole supervision plan.

10 **SECTION 58.** 51.30 (4) (b) 10. d. of the statutes is amended to read:

11 51.30 **(4)** (b) 10. d. Any information necessary to establish, or to implement
12 changes in, the individual's treatment plan or the level and kind of supervision on
13 probation, ~~extended supervision~~ or parole, as determined by the director of the
14 facility or the treatment director. In cases involving a person transferred back to a
15 correctional facility, disclosure shall be made to clinical staff only. In cases involving
16 a person on probation, ~~extended supervision~~ or parole, disclosure shall be made to
17 a probation, ~~extended supervision~~ and parole agent only. The department shall
18 promulgate rules governing the release of records under this subdivision.

19 **SECTION 59.** 51.37 (8) (a) of the statutes is amended to read:

20 51.37 **(8)** (a) Rights to reexamination under s. 51.20 (16) apply to a prisoner or
21 inmate who is found to be mentally ill or drug dependent except that the petition
22 shall be made to the court that made the finding or, if the prisoner or inmate is
23 detained by transfer, to the circuit court of the county in which he or she is detained.
24 If upon rehearing it is found that the standards for recommitment under s. 51.20 (13)
25 (g) no longer apply to the prisoner or inmate or that he or she is not in need of

SENATE BILL 137

1 psychiatric or psychological treatment, the prisoner or inmate shall be returned to
2 the prison or county jail or house of correction unless it is past his or her release date
3 as determined under s. 302.11 or 302.113, ~~whichever is applicable~~, in which case he
4 or she shall be discharged.

5 **SECTION 60.** 51.37 (8) (b) of the statutes is amended to read:

6 51.37 **(8)** (b) If the condition of any prisoner or inmate committed or transferred
7 under this section requires psychiatric or psychological treatment after his or her
8 date of release as determined under s. 302.11 or 302.113, ~~whichever is applicable~~, the
9 director of the state treatment facility shall, within a reasonable time before the
10 release date of the prisoner or inmate, make a written application to the court which
11 committed the prisoner or inmate under sub. (5) (a). Thereupon, the proceeding shall
12 be upon application made under s. 51.20, but no physician or psychologist who is
13 connected with a state prison, Winnebago or Mendota mental health institute or any
14 county jail or house of correction may be appointed as an examiner. If the court does
15 not commit the prisoner or inmate, it may dismiss the application and order the
16 prisoner or inmate returned to the institution from which he or she was transferred
17 until the release date of the prisoner or inmate. If the court commits the prisoner or
18 inmate for the period commencing upon his or her release date, the commitment
19 shall be to the care and custody of the county department under s. 51.42 or 51.437.

20 **SECTION 61.** 51.37 (11) of the statutes is amended to read:

21 51.37 **(11)** When an individual who is in the custody of or under the supervision
22 of a correctional officer of the department of corrections is transferred, discharged
23 or is on unauthorized absence from a treatment facility, the probation, ~~extended~~
24 ~~supervision~~ and parole agent or other individual within the department of

SENATE BILL 137

1 corrections who is responsible for that individual's supervision shall be notified as
2 soon as possible by the director of the treatment facility.

3 **SECTION 62.** 55.06 (11) (am) of the statutes, as affected by 1997 Wisconsin Act
4 283, is repealed and recreated to read:

5 55.06 (11) (am) Whoever signs a statement under par. (a) knowing the
6 information contained therein to be false may be fined not more than \$5,000 or
7 imprisoned for not more than 5 years or both.

8 **SECTION 63.** 66.4025 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
9 283, is repealed and recreated to read:

10 66.4025 (1) (b) Any person who secures or assists in securing dwelling
11 accommodations under s. 66.402 by intentionally making false representations in
12 order to receive at least \$2,500 but not more than \$25,000 in financial assistance for
13 which the person would not otherwise be entitled shall be fined not more than
14 \$10,000 or imprisoned for not more than 2 years or both.

15 **SECTION 64.** 66.4025 (1) (c) of the statutes, as affected by 1997 Wisconsin Act
16 283, is repealed and recreated to read:

17 66.4025 (1) (c) Any person who secures or assists in securing dwelling
18 accommodations under s. 66.402 by intentionally making false representations in
19 order to receive more than \$25,000 in financial assistance for which the person would
20 not otherwise be entitled shall be fined not more than \$10,000 or imprisoned for not
21 more than 5 years or both.

22 **SECTION 65.** 69.24 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act
23 283, is repealed and recreated to read:

24 69.24 (1) (intro.) Any person who does any of the following shall be fined not
25 more than \$10,000 or imprisoned for not more than 2 years or both:

SENATE BILL 137

1 **SECTION 66.** 70.47 (18) (a) of the statutes, as affected by 1997 Wisconsin Act
2 283, is repealed and recreated to read:

3 70.47 **(18)** (a) Whoever with intent to injure or defraud alters, damages,
4 removes or conceals any of the items specified under subs. (8) (f) and (17) may be fined
5 not more than \$1,000 or imprisoned for not more than 2 years or both.

6 **SECTION 67.** 71.83 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is repealed and recreated to read:

8 71.83 **(2)** (b) *Felony.* 1. ‘False income tax return; fraud.’ Any person, other than
9 a corporation or limited liability company, who renders a false or fraudulent income
10 tax return with intent to defeat or evade any assessment required by this chapter
11 shall be guilty of a felony and may be fined not more than \$10,000 or imprisoned for
12 not more than 5 years or both, together with the cost of prosecution. In this
13 subdivision, “return” includes a separate return filed by a spouse with respect to a
14 taxable year for which a joint return is filed under s. 71.03 (2) (g) to (L) after the filing
15 of that separate return, and a joint return filed by the spouses with respect to a
16 taxable year for which a separate return is filed under s. 71.03 (2) (m) after the filing
17 of that joint return.

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

SENATE BILL 137

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

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

12 **SECTION 68.** 86.192 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
13 is repealed and recreated to read:

14 86.192 (4) Any person who violates this section shall be fined not more than
15 \$10,000 or imprisoned for not more than 2 years or both if the injury, defacement or
16 removal causes the death of a person.

17 **SECTION 69.** 97.43 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is repealed and recreated to read:

19 97.43 (4) Whoever violates this section may be fined not less than \$500 nor
20 more than \$5,000 or imprisoned for not more than 5 years or both.

21 **SECTION 70.** 97.45 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is repealed and recreated to read:

23 97.45 (2) Whoever violates this section may be fined not less than \$500 nor
24 more than \$5,000 or imprisoned for not more than 5 years or both.

25 **SECTION 71.** 100.171 (7) (b) of the statutes is amended to read:

SENATE BILL 137**SECTION 71**

1 100.171 (7) (b) Whoever intentionally violates this section may be fined not
2 more than \$10,000 or imprisoned for not more than ~~3~~ 2 years or both. A person
3 intentionally violates this section if the violation occurs after the department or a
4 district attorney has notified the person by certified mail that the person is in
5 violation of this section.

6 **SECTION 72.** 100.26 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is repealed and recreated to read:

8 100.26 (2) Any person violating s. 100.02 shall be fined not less than \$50 nor
9 more than \$3,000 or imprisoned for not less than 30 days nor more than 3 years, or
10 both.

11 **SECTION 73.** 100.26 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is repealed and recreated to read:

13 100.26 (5) Any person violating s. 100.06 or any order or regulation of the
14 department thereunder, or s. 100.18 (9), shall be fined not less than \$100 nor more
15 than \$1,000 or imprisoned for not more than one year or both. Each day of violation
16 constitutes a separate offense.

17 **SECTION 74.** 100.26 (7) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is repealed and recreated to read:

19 100.26 (7) Any person violating s. 100.182 shall be fined not less than \$500 nor
20 more than \$5,000 or imprisoned for not more than one year or both for each offense.
21 Each unlawful advertisement published, printed or mailed on separate days or in
22 separate publications, hand bills or direct mailings is a separate violation of this
23 section.

24 **SECTION 75.** 101.143 (10) (b) of the statutes, as affected by 1997 Wisconsin Act
25 283, is repealed and recreated to read:

SENATE BILL 137

1 101.143 **(10)** (b) Any owner or operator, person owning a home oil tank system
2 or service provider who intentionally destroys a document that is relevant to a claim
3 for reimbursement under this section may be fined not more than \$10,000 or
4 imprisoned for not more than 10 years or both.

5 **SECTION 76.** 101.94 (8) (b) of the statutes, as affected by 1997 Wisconsin Act
6 283, is repealed and recreated to read:

7 101.94 **(8)** (b) Any individual or a director, officer or agent of a corporation who
8 knowingly and wilfully violates this subchapter in a manner that threatens the
9 health or safety of a purchaser shall be fined not more than \$1,000 or imprisoned for
10 not more than one year or both.

11 **SECTION 77.** 102.835 (11) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is repealed and recreated to read:

13 102.835 **(11)** EVASION. Any person who removes, deposits or conceals or aids in
14 removing, depositing or concealing any property upon which a levy is authorized
15 under this section with intent to evade or defeat the assessment or collection of any
16 debt may be fined not more than \$5,000 or imprisoned for not more than 3 years or
17 both, and shall be liable to the state for the costs of prosecution.

18 **SECTION 78.** 102.835 (18) of the statutes, as affected by 1997 Wisconsin Act 283,
19 is repealed and recreated to read:

20 102.835 **(18)** RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No
21 employer may discharge or otherwise discriminate with respect to the terms and
22 conditions of employment against any employe by reason of the fact that his or her
23 earnings have been subject to levy for any one levy or because of compliance with any
24 provision of this section. Whoever wilfully violates this subsection may be fined not
25 more than \$1,000 or imprisoned for not more than one year or both.

SENATE BILL 137

1 **SECTION 79.** 102.85 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is repealed and recreated to read:

3 102.85 **(3)** An employer who violates an order to cease operations under s.
4 102.28 (4) may be fined not more than \$10,000 or imprisoned for not more than 2
5 years or both.

6 **SECTION 80.** 106.215 (8g) (b) of the statutes is amended to read:

7 106.215 **(8g)** (b) If the department of corrections is a sponsor of a project that
8 is approved under this subsection, the corps members on the project shall be
9 prisoners in state prison, probationers, or parolees ~~or persons on extended~~
10 ~~supervision~~ and the members of the project shall receive applicable alcohol or other
11 drug abuse treatment and educational programming services for a portion of each
12 work week, but not to exceed 8 hours per work week.

13 **SECTION 81.** 108.225 (11) of the statutes, as affected by 1997 Wisconsin Act 283,
14 is repealed and recreated to read:

15 108.225 **(11)** EVASION. Any person who removes, deposits or conceals or aids in
16 removing, depositing or concealing any property upon which a levy is authorized
17 under this section with intent to evade or defeat the assessment or collection of any
18 debt may be fined not more than \$5,000 or imprisoned for not more than 3 years or
19 both, and shall be liable to the state for the costs of prosecution.

20 **SECTION 82.** 108.225 (18) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is repealed and recreated to read:

22 108.225 **(18)** RESTRICTION ON EMPLOYMENT PENALTIES BY REASON OF LEVY. No
23 employer may discharge or otherwise discriminate with respect to the terms and
24 conditions of employment against any employe by reason of the fact that his or her
25 earnings have been subject to levy for any one levy or because of compliance with any

SENATE BILL 137

1 provision of this section. Whoever wilfully violates this subsection may be fined not
2 more than \$1,000 or imprisoned for not more than one year or both.

3 **SECTION 83.** 111.32 (3) of the statutes is amended to read:

4 111.32 (3) “Conviction record” includes, but is not limited to, information
5 indicating that an individual has been convicted of any felony, misdemeanor or other
6 offense, has been adjudicated delinquent, has been less than honorably discharged,
7 or has been placed on probation, fined, imprisoned, ~~placed on extended supervision~~
8 or paroled pursuant to any law enforcement or military authority.

9 **SECTION 84.** 114.20 (18) (c) of the statutes, as affected by 1997 Wisconsin Act
10 283, is repealed and recreated to read:

11 114.20 (18) (c) Any person who knowingly makes a false statement in any
12 application or in any other document required to be filed with the department,
13 foregoes the submission of any application, document, or any registration certificate
14 or transfer shall be fined not more than \$5,000 or imprisoned for not more than 5
15 years or both.

16 **SECTION 85.** 125.075 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
17 is repealed and recreated to read:

18 125.075 (2) Whoever violates sub. (1) may be fined not more than \$10,000 or
19 imprisoned for not more than 5 years or both.

20 **SECTION 86.** 125.085 (3) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
21 283, is repealed and recreated to read:

22 125.085 (3) (a) 2. Any person who violates subd. 1. for money or other
23 consideration may be fined not more than \$10,000 or imprisoned for not more than
24 2 years or both.

SENATE BILL 137

1 **SECTION 87.** 125.105 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
2 283, is repealed and recreated to read:

3 125.105 **(2)** (b) Whoever violates sub. (1) to commit, or abet the commission of,
4 a crime may be fined not more than \$10,000 or imprisoned for not more than 5 years
5 or both.

6 **SECTION 88.** 125.66 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is repealed and recreated to read:

8 125.66 **(3)** Any person manufacturing or rectifying intoxicating liquor without
9 holding appropriate permits under this chapter, or any person who sells such liquor,
10 shall be fined not more than \$10,000 or imprisoned for not more than 10 years or
11 both. Second or subsequent convictions shall be punished by both the fine and
12 imprisonment.

13 **SECTION 89.** 125.68 (12) (b) of the statutes, as affected by 1997 Wisconsin Act
14 283, is repealed and recreated to read:

15 125.68 **(12)** (b) Whoever violates par. (a) shall be fined not less than \$1,000 nor
16 more than \$5,000 or imprisoned for not less than one year nor more than 10 years
17 or both.

18 **SECTION 90.** 125.68 (12) (c) of the statutes, as affected by 1997 Wisconsin Act
19 283, is repealed and recreated to read:

20 125.68 **(12)** (c) Any person causing the death of another human being through
21 the selling or otherwise disposing of, for beverage purposes, either denatured alcohol
22 or alcohol or alcoholic liquid redistilled from denatured alcohol, shall be imprisoned
23 for not more than 10 years.

24 **SECTION 91.** 132.13 (1) (a) of the statutes is amended to read:

SENATE BILL 137

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

19 **SECTION 92.** 132.20 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is repealed and recreated to read:

21 132.20 (2) Any person who, with intent to deceive, traffics or attempts to traffic
22 in this state in a counterfeit mark or in any goods or service bearing or provided
23 under a counterfeit mark shall, if the person is an individual, be fined not more than
24 \$250,000 or imprisoned for not more than 5 years or both, or, if the person is not an
25 individual, be fined not more than \$1,000,000.

SENATE BILL 137

1 **SECTION 93.** 133.03 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is repealed and recreated to read:

3 **133.03 (1)** Every contract, combination in the form of trust or otherwise, or
4 conspiracy, in restraint of trade or commerce is illegal. Every person who makes any
5 contract or engages in any combination or conspiracy in restraint of trade or
6 commerce may be fined not more than \$100,000 if a corporation, or, if any other
7 person, may be fined not more than \$50,000 or imprisoned for not more than 5 years
8 or both.

9 **SECTION 94.** 133.03 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
10 is repealed and recreated to read:

11 **133.03 (2)** Every person who monopolizes, or attempts to monopolize, or
12 combines or conspires with any other person or persons to monopolize any part of
13 trade or commerce may be fined not more than \$100,000 if a corporation, or, if any
14 other person, may be fined not more than \$50,000 or imprisoned for not more than
15 5 years or both.

16 **SECTION 95.** 134.05 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
17 is repealed and recreated to read:

18 **134.05 (4)** Whoever violates sub. (1), (2) or (3) shall be punished by a fine of not
19 less than \$10 nor more than \$500 or by such fine and by imprisonment for not more
20 than one year.

21 **SECTION 96.** 134.16 of the statutes, as affected by 1997 Wisconsin Act 283, is
22 repealed and recreated to read:

23 **134.16 Fraudulently receiving deposits.** Any officer, director, stockholder,
24 cashier, teller, manager, messenger, clerk or agent of any bank, banking, exchange,
25 brokerage or deposit company, corporation or institution, or of any person, company

SENATE BILL 137

1 or corporation engaged in whole or in part in banking, brokerage, exchange or deposit
2 business in any way, or any person engaged in such business in whole or in part who
3 shall accept or receive, on deposit, or for safekeeping, or to loan, from any person any
4 money, or any bills, notes or other paper circulating as money, or any notes, drafts,
5 bills of exchange, bank checks or other commercial paper for safekeeping or for
6 collection, when he or she knows or has good reason to know that such bank, company
7 or corporation or that such person is unsafe or insolvent shall be imprisoned in the
8 Wisconsin state prisons for not less than one year nor more than 10 years or fined
9 not more than \$10,000.

10 **SECTION 97.** 134.20 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
11 Act 283, is repealed and recreated to read:

12 134.20 (1) (intro.) Whoever, with intent to defraud, does any of the following
13 shall be fined not more than \$5,000 or imprisoned for not more than 5 years or both:

14 **SECTION 98.** 134.205 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
15 is repealed and recreated to read:

16 134.205 (4) Whoever, with intent to defraud, issues a warehouse receipt
17 without entering the same in a register as required by this section shall be fined not
18 more than \$5,000 or imprisoned for not more than 5 years or both.

19 **SECTION 99.** 134.58 of the statutes, as affected by 1997 Wisconsin Act 283, is
20 repealed and recreated to read:

21 **134.58 Use of unauthorized persons as officers.** Any person who,
22 individually, in concert with another or as agent or officer of any firm, joint-stock
23 company or corporation, uses, employs, aids or assists in employing any body of
24 armed persons to act as militia, police or peace officers for the protection of persons
25 or property or for the suppression of strikes, not being authorized by the laws of this

SENATE BILL 137

1 state to so act, shall be fined not more than \$1,000 or imprisoned for not less than
2 one year nor more than 3 years or both.

3 **SECTION 100.** 139.44 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is repealed and recreated to read:

5 139.44 (1) Any person who falsely or fraudulently makes, alters or counterfeits
6 any stamp or procures or causes the same to be done, or who knowingly utters,
7 publishes, passes or tenders as true any false, altered or counterfeit stamp, or who
8 affixes the same to any package or container of cigarettes, or who possesses with the
9 intent to sell any cigarettes in containers to which false, altered or counterfeit stamps
10 have been affixed shall be imprisoned for not less than one year nor more than 10
11 years.

12 **SECTION 101.** 139.44 (1m) of the statutes, as affected by 1997 Wisconsin Act
13 283, is repealed and recreated to read:

14 139.44 (1m) Any person who falsely or fraudulently tampers with a cigarette
15 meter in order to evade the tax under s. 139.31 shall be imprisoned for not less than
16 one year nor more than 10 years.

17 **SECTION 102.** 139.44 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
18 is repealed and recreated to read:

19 139.44 (2) Any person who makes or signs any false or fraudulent report or who
20 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the
21 evasion or attempted evasion of that tax shall be fined not less than \$1,000 nor more
22 than \$5,000 or imprisoned not less than 90 days nor more than one year or both.

23 **SECTION 103.** 139.44 (8) (c) of the statutes, as affected by 1997 Wisconsin Act
24 283, is repealed and recreated to read:

SENATE BILL 137

1 139.44 **(8)** (c) If the number of cigarettes exceeds 36,000, a fine of not more than
2 \$10,000 or imprisonment for not more than 2 years or both.

3 **SECTION 104.** 139.95 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is repealed and recreated to read:

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

9 **SECTION 105.** 139.95 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
10 is repealed and recreated to read:

11 139.95 **(3)** Any person who falsely or fraudulently makes, alters or counterfeits
12 any stamp or procures or causes the same to be done or who knowingly utters,
13 publishes, passes or tenders as true any false, altered or counterfeit stamp or who
14 affixes a counterfeit stamp to a schedule I controlled substance or schedule II
15 controlled substance or who possesses a schedule I controlled substance or schedule
16 II controlled substance to which a false, altered or counterfeit stamp is affixed may
17 be fined not more than \$10,000 or imprisoned for not less than one year nor more
18 than 10 years or both.

19 **SECTION 106.** 146.345 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is repealed and recreated to read:

21 146.345 **(3)** Any person who violates this section may be fined not more than
22 \$50,000 or imprisoned for not more than 5 years or both.

23 **SECTION 107.** 146.35 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
24 is repealed and recreated to read:

SENATE BILL 137

1 146.35 (5) Whoever violates sub. (2) may be fined not more than \$10,000 or
2 imprisoned for not more than 5 years or both.

3 **SECTION 108.** 146.60 (9) (am) of the statutes, as affected by 1997 Wisconsin Act
4 283, is repealed and recreated to read:

5 146.60 (9) (am) For a 2nd or subsequent violation under par. (ag), a person shall
6 be fined not less than \$1,000 nor more than \$50,000 or imprisoned for not more than
7 one year or both.

8 **SECTION 109.** 146.70 (10) (a) of the statutes, as affected by 1997 Wisconsin Act
9 283, is repealed and recreated to read:

10 146.70 (10) (a) Any person who intentionally dials the telephone number “911”
11 to report an emergency, knowing that the fact situation that he or she reports does
12 not exist, shall be fined not less than \$50 nor more than \$300 or imprisoned not more
13 than 90 days or both for the first offense and shall be fined not more than \$10,000
14 or imprisoned for not more than 5 years or both for any other offense committed
15 within 4 years after the first offense.

16 **SECTION 110.** 154.15 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
17 is repealed and recreated to read:

18 154.15 (2) Any person who, with the intent to cause a withholding or
19 withdrawal of life-sustaining procedures or feeding tubes contrary to the wishes of
20 the declarant, illegally falsifies or forges the declaration of another or conceals a
21 declaration revoked under s. 154.05 (1) (a) or (b) or any person who intentionally
22 withholds actual knowledge of a revocation under s. 154.05 shall be fined not more
23 than \$10,000 or imprisoned for not more than 10 years or both.

24 **SECTION 111.** 154.29 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is repealed and recreated to read:

SENATE BILL 137

1 154.29 **(2)** Any person who, with the intent to cause the withholding or
2 withdrawal of resuscitation contrary to the wishes of any patient, falsifies, forges or
3 transfers a do-not-resuscitate bracelet to that patient or conceals the revocation
4 under s. 154.21 of a do-not-resuscitate order or any responsible person who
5 withholds personal knowledge of a revocation under s. 154.21 shall be fined not more
6 than \$10,000 or imprisoned for not more than 10 years or both.

7 **SECTION 112.** 165.76 (1) (a) of the statutes is amended to read:

8 165.76 **(1)** (a) Is in prison or a secured correctional facility, as defined in s.
9 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g) or on
10 probation, ~~extended supervision~~, parole, supervision or aftercare supervision on or
11 after August 12, 1993, for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or
12 948.025.

13 **SECTION 113.** 165.76 (1) (e) of the statutes is amended to read:

14 165.76 **(1)** (e) Is on parole, ~~extended supervision~~ or probation in this state from
15 another state under s. 304.13 or 304.135 on or after July 9, 1996, for a violation of
16 the law of another state that the department of corrections determines, under s.
17 304.137, is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or
18 948.025.

19 **SECTION 114.** 165.76 (2) (b) 1. of the statutes is amended to read:

20 165.76 **(2)** (b) 1. If the person has been placed on probation or supervision, he
21 or she shall provide the specimen under par. (a) at the office of a county sheriff as soon
22 after the placement as practicable, as directed by his or her probation, ~~extended~~
23 ~~supervision~~ and parole agent or, if a child, the agency providing supervision for the
24 child.

25 **SECTION 115.** 165.76 (2) (b) 2. of the statutes is amended to read:

SENATE BILL 137

1 165.76 (2) (b) 2. If the person has been sentenced to prison or placed in a secured
2 correctional facility or a secured child caring institution, he or she shall provide the
3 specimen under par. (a) at the office of a county sheriff as soon as practicable after
4 release on parole,~~extended supervision~~ or aftercare supervision, as directed by his
5 or her probation,~~extended supervision~~ and parole agent or aftercare agent, except
6 that the department of corrections may require the person to provide the specimen
7 while he or she is in prison or in a secured correctional facility or a secured child
8 caring institution.

9 **SECTION 116.** 165.76 (2) (b) 3m. of the statutes is amended to read:

10 165.76 (2) (b) 3m. If the person is on parole,~~extended supervision~~ or probation
11 in this state from another state under s. 304.13 or 304.135, he or she shall provide
12 the specimen under par. (a) at the office of a county sheriff as soon as practicable after
13 entering this state, as directed by his or her probation,~~extended supervision~~ and
14 parole agent.

15 **SECTION 117.** 165.76 (2) (b) 5. of the statutes is amended to read:

16 165.76 (2) (b) 5. Notwithstanding subs. 1. to 3., for persons who are subject
17 to sub. (1) and who are in prison, a secured correctional facility or a secured child
18 caring institution or on probation,~~extended supervision~~, parole, supervision or
19 aftercare supervision on August 12, 1993, the departments of justice, corrections
20 and health and family services shall cooperate to have these persons provide
21 specimens under par. (a) before July 1, 1998.

22 **SECTION 118.** 165.76 (2) (b) 6. of the statutes is amended to read:

23 165.76 (2) (b) 6. Notwithstanding subd. 3m., for a person who is subject to sub.
24 (1) (e) and who is on parole,~~extended supervision~~ or probation in this state from
25 another state on July 9, 1996, the department of justice and the department of

SENATE BILL 137

1 corrections shall cooperate to have these persons provide specimens under par. (a)
2 before July 1, 2000.

3 **SECTION 119.** 165.84 (5) of the statutes is amended to read:

4 165.84 (5) All persons in charge of law enforcement and tribal law enforcement
5 agencies, all clerks of court, all municipal judges where they have no clerks, all
6 persons in charge of state and county penal and correctional institutions, and all
7 persons in charge of state and county probation, ~~extended supervision~~ and parole
8 offices, shall supply the department with the information described in s. 165.83 (2)
9 (f) on the basis of the forms and instructions to be supplied by the department under
10 s. 165.83 (2) (g).

11 **SECTION 120.** 166.20 (11) (b) 1. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is repealed and recreated to read:

13 166.20 (11) (b) 1. For the first offense, be fined not less than \$100 nor more than
14 \$25,000 or imprisoned for not more than 2 years or both.

15 **SECTION 121.** 166.20 (11) (b) 2. of the statutes, as affected by 1997 Wisconsin
16 Act 283, is repealed and recreated to read:

17 166.20 (11) (b) 2. For the 2nd and subsequent offenses, be fined not less than
18 \$200 nor more than \$50,000 or imprisoned for not more than 2 years or both.

19 **SECTION 122.** 167.10 (9) (g) of the statutes, as affected by 1997 Wisconsin Act
20 283, is repealed and recreated to read:

21 167.10 (9) (g) Whoever violates sub. (6m) (a), (b) or (c) or a rule promulgated
22 under sub. (6m) (e) may be fined not more than \$10,000 or imprisoned for not more
23 than 10 years or both.

24 **SECTION 123.** 175.20 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
25 is repealed and recreated to read:

SENATE BILL 137

1 175.20 (3) Any person who violates any of the provisions of this section shall
2 be fined not less than \$25 nor more than \$1,000 and may be imprisoned for not less
3 than 30 days nor more than one year or both. In addition, the court may revoke the
4 license or licenses of the person or persons convicted.

5 **SECTION 124.** 180.0129 (2) of the statutes, as affected by 1997 Wisconsin Act
6 283, is repealed and recreated to read:

7 180.0129 (2) Whoever violates this section may be fined not more than \$10,000
8 or imprisoned for not more than 2 years or both.

9 **SECTION 125.** 181.0129 (2) of the statutes, as affected by 1997 Wisconsin Act
10 283, is repealed and recreated to read:

11 181.0129 (2) **PENALTY.** Whoever violates this section may be fined not more
12 than \$10,000 or imprisoned for not more than 2 years or both.

13 **SECTION 126.** 185.825 of the statutes, as affected by 1997 Wisconsin Act 283,
14 is repealed and recreated to read:

15 **185.825 Penalty for false document.** Whoever causes a document to be
16 filed, knowing it to be false in any material respect, may be fined not more than
17 \$1,000 or imprisoned for not more than 3 years or both.

18 **SECTION 127.** 200.09 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
19 is repealed and recreated to read:

20 200.09 (2) Every director, president, secretary or other official or agent of any
21 public service corporation, who shall practice fraud or knowingly make any false
22 statement to secure a certificate of authority to issue any security, or issue under a
23 certificate so obtained and with knowledge of such fraud, or false statement, or
24 negotiate, or cause to be negotiated, any security, in violation of this chapter, shall

SENATE BILL 137

1 be fined not less than \$500 or imprisoned in the state prison for not less than one nor
2 more than 10 years or both.

3 **SECTION 128.** 214.93 of the statutes, as affected by 1997 Wisconsin Act 283, is
4 repealed and recreated to read:

5 **214.93 False statements.** A person may not knowingly make, cause, or allow
6 another person to make or cause to be made, a false statement, under oath if required
7 by this chapter or on any report or statement required by the division or by this
8 chapter. In addition to any forfeiture under s. 214.935, a person who violates this
9 section may be imprisoned for not more than 20 years.

10 **SECTION 129.** 215.02 (6) (b) of the statutes, as affected by 1997 Wisconsin Act
11 283, is repealed and recreated to read:

12 215.02 **(6) (b)** If any person mentioned in par. (a) discloses the name of any
13 debtor of any association or any information about the private account or
14 transactions of such association, discloses any fact obtained in the course of any
15 examination of any association, or discloses examination or other confidential
16 information obtained from any state or federal regulatory authority, including an
17 authority of this state or another state, for financial institutions, mortgage bankers,
18 insurance or securities, except as provided in par. (a), he or she shall forfeit his or her
19 office or position and may be fined not less than \$100 nor more than \$1,000 or
20 imprisoned for not less than 6 months nor more than 2 years or both.

21 **SECTION 130.** 215.12 of the statutes, as affected by 1997 Wisconsin Act 283, is
22 repealed and recreated to read:

23 **215.12 Penalty for dishonest acts; falsification of records.** Every officer,
24 director, employe or agent of any association who steals, abstracts, or wilfully
25 misapplies any property of the association, whether owned by it or held in trust, or

SENATE BILL 137

1 who, without authority, issues or puts forth any certificate of savings accounts,
2 assigns any note, bond, mortgage, judgment or decree, or, who makes any false entry
3 in any book, record, report or statement of the association with intent to injure or
4 defraud the association or any person or corporation, or to deceive any officer or
5 director of the association, or any other person, or any agent appointed to examine
6 the affairs of such association, or any person who, with like intent, aids or abets any
7 officer, director, employe or agent in the violation of this section, shall be imprisoned
8 in the Wisconsin state prisons for not more than 20 years.

9 **SECTION 131.** 215.21 (21) of the statutes, as affected by 1997 Wisconsin Act 283,
10 is repealed and recreated to read:

11 215.21 **(21)** PENALTY FOR GIVING OR ACCEPTING MONEY FOR LOANS. Every officer,
12 director, employe or agent of any association, or any appraiser making appraisals for
13 any association, who accepts or receives, or offers or agrees to accept or receive
14 anything of value in consideration of its loaning any money to any person; or any
15 person who offers, gives, presents or agrees to give or present anything of value to
16 any officer, director, employe or agent of any association or to any appraiser making
17 appraisals for any association in consideration of its loaning money to the person,
18 shall be fined not more than \$10,000 or imprisoned for not more than 2 years or both.
19 Nothing in this subsection prohibits an association from employing an officer,
20 employe or agent to solicit mortgage loans and to pay the officer, employe or agent
21 on a fee basis.

22 **SECTION 132.** 218.21 (7) of the statutes, as affected by 1997 Wisconsin Act 283,
23 is repealed and recreated to read:

SENATE BILL 137

1 218.21 (7) Any person who knowingly makes a false statement in an
2 application for a motor vehicle salvage dealer license may be fined not more than
3 \$5,000 or imprisoned for not more than 5 years or both.

4 **SECTION 133.** 220.06 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is repealed and recreated to read:

6 220.06 (2) If any employe in the division or any member of the banking review
7 board or any employe thereof discloses the name of any debtor of any bank or
8 licensee, or anything relative to the private account or transactions of such bank or
9 licensee, or any fact obtained in the course of any examination of any bank or
10 licensee, except as herein provided, that person shall be subject, upon conviction, to
11 forfeiture of office or position and may be fined not less than \$100 nor more than
12 \$1,000 or imprisoned for not less than 6 months nor more than 2 years or both.

13 **SECTION 134.** 221.0625 (2) (intro.) of the statutes, as affected by 1997 Wisconsin
14 Act 283, is repealed and recreated to read:

15 221.0625 (2) PENALTY. (intro.) An officer or director of a bank who, in violation
16 of this section, directly or indirectly does any of the following may be imprisoned for
17 not more than 10 years:

18 **SECTION 135.** 221.0636 (2) of the statutes, as affected by 1997 Wisconsin Act
19 283, is repealed and recreated to read:

20 221.0636 (2) PENALTY. Any person who violates sub. (1) may be imprisoned for
21 not more than 20 years.

22 **SECTION 136.** 221.0637 (2) of the statutes, as affected by 1997 Wisconsin Act
23 283, is repealed and recreated to read:

24 221.0637 (2) PENALTIES. Any person who violates sub. (1) may be fined not more
25 than \$10,000 or imprisoned for not more than 2 years or both.

SENATE BILL 137

1 **SECTION 137.** 221.1004 (2) of the statutes, as affected by 1997 Wisconsin Act
2 283, is repealed and recreated to read:

3 221.1004 **(2)** PENALTIES. Any person who violates sub. (1) may be fined not less
4 than \$1,000 nor more than \$5,000 or imprisoned for not less than one year nor more
5 than 10 years or both.

6 **SECTION 138.** 227.03 (4) of the statutes is amended to read:

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

13 **SECTION 139.** 230.36 (1) of the statutes is amended to read:

14 230.36 **(1)** If a conservation warden, conservation patrol boat captain,
15 conservation patrol boat engineer, state forest ranger, conservation field employe of
16 the department of natural resources who is subject to call for fire control duty,
17 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax
18 investigator employed by the department of revenue, special criminal investigation
19 agent employed by the department of justice, special tax agent, state drivers' license
20 examiner, state fair park police officer, University of Wisconsin System police officer
21 and other state facilities police officer and patrol officer, security officer, watcher,
22 engineer, engineering aide, building construction superintendent, fire fighter
23 employed at the Wisconsin Veterans Home, or guard or institutional aide or a state
24 probation, ~~extended supervision~~ and parole officer or any other employe whose
25 duties include supervision and discipline of inmates or wards of the state at a state

SENATE BILL 137

1 penal institution, including a secured correctional facility, as defined in s. 938.02
2 (15m), or while on parole supervision ~~or extended supervision~~ outside of the confines
3 of the institutions, or supervision of persons placed on probation by a court of record,
4 or supervision and care of patients at a state mental institution, and the University
5 of Wisconsin Hospitals and Clinics suffers injury while in the performance of his or
6 her duties, as defined in subs. (2) and (3); or any other state employe who is not listed
7 in this subsection and who is ordered by his or her appointing authority to accompany
8 any employe listed in this subsection while the listed employe is engaged in the
9 duties defined in sub. (3), or any other state employe who is not listed in this
10 subsection and who is ordered by his or her appointing authority to perform the
11 duties, when permitted, in lieu of the listed employe and while so engaged in the
12 duties defined in sub. (3), suffers injury as defined in sub. (2) the employe shall
13 continue to be fully paid by the employing agency upon the same basis as paid prior
14 to the injury, with no reduction in sick leave credits, compensatory time for overtime
15 accumulations or vacation and no reduction in the rate of earning sick leave credit
16 or vacation. The full pay shall continue while the employe is unable to return to work
17 as the result of the injury or until the termination of his or her employment upon
18 recommendation of the appointing authority. At any time during the employe's
19 period of disability the appointing authority may order physical or medical
20 examinations to determine the degree of disability at the expense of the employing
21 agency.

22 **SECTION 140.** 230.36 (3) (c) (intro.) of the statutes is amended to read:

23 230.36 **(3)** (c) (intro.) A guard, institution aide, or other employe at the
24 University of Wisconsin Hospitals and Clinics or at a state penal or mental

SENATE BILL 137

1 institution, including a secured correctional facility, as defined in s. 938.02 (15m),
2 and a state probation, ~~extended supervision~~ and parole officer, at all times while:

3 **SECTION 141.** 230.36 (3) (c) 2. of the statutes is amended to read:

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

7 **SECTION 142.** 230.36 (3) (c) 3. of the statutes is amended to read:

8 230.36 (3) (c) 3. When injury is occasioned as the result of an act by a patient,
9 inmate, probationer, or parolee ~~or person on extended supervision~~;

10 **SECTION 143.** 253.06 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
11 283, is repealed and recreated to read:

12 253.06 (4) (b) A person who violates any provision of this subsection may be
13 fined not more than \$10,000 or imprisoned for not more than 2 years, or both, for the
14 first offense and may be fined not more than \$10,000 or imprisoned for not more than
15 5 years, or both, for the 2nd or subsequent offense.

16 **SECTION 144.** 285.87 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
17 283, is repealed and recreated to read:

18 285.87 (2) (b) If the conviction under par. (a) is for a violation committed after
19 another conviction under par. (a), the person shall be fined not more than \$50,000
20 per day of violation or imprisoned for not more than 2 years or both.

21 **SECTION 145.** 291.97 (2) (b) (intro.) of the statutes, as affected by 1997
22 Wisconsin Act 283, is repealed and recreated to read:

23 291.97 (2) (b) (intro.) Any person who wilfully does any of the following shall
24 be fined not less than \$1,000 nor more than \$100,000 or imprisoned for not more than
25 5 years or both:

SENATE BILL 137

1 **SECTION 146.** 291.97 (2) (c) of the statutes, as affected by 1997 Wisconsin Act
2 283, is repealed and recreated to read:

3 291.97 **(2)** (c) 1. For a 2nd or subsequent violation under par. (a), a person shall
4 be fined not less than \$1,000 nor more than \$50,000 or imprisoned for not more than
5 one year or both.

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

9 **SECTION 147.** 299.53 (4) (c) 2. of the statutes, as affected by 1997 Wisconsin Act
10 283, is repealed and recreated to read:

11 299.53 **(4)** (c) 2. Any person who intentionally makes any false statement or
12 representation in complying with sub. (2) (a) shall be fined not more than \$25,000
13 or imprisoned for not more than one year in the county jail or both. For a 2nd or
14 subsequent violation, the person shall be fined not more than \$50,000 or imprisoned
15 for not more than 2 years or both.

16 **SECTION 148.** 301.03 (2r) of the statutes is amended to read:

17 301.03 **(2r)** Conduct drug testing of prospective parolees ~~or persons to be placed~~
18 ~~on extended supervision~~ who have undergone treatment while in state prison.

19 **SECTION 149.** 301.03 (3) of the statutes is amended to read:

20 301.03 **(3)** Administer parole, ~~extended supervision~~ and probation matters,
21 except that the decision to grant or deny parole to inmates shall be made by the parole
22 commission and the decision to revoke probation, ~~extended supervision~~ or parole in
23 cases in which there is no waiver of the right to a hearing shall be made by the
24 division of hearings and appeals in the department of administration. The secretary
25 may grant special action parole releases under s. 304.02. The department shall

SENATE BILL 137

1 promulgate rules establishing a drug testing program for probationers, and parolees
2 ~~and persons placed on extended supervision~~. The rules shall provide for assessment
3 of fees upon probationers, and parolees ~~and persons placed on extended supervision~~
4 to partially offset the costs of the program.

5 **SECTION 150.** 301.03 (3g) of the statutes is amended to read:

6 301.03 **(3g)** Provide treatment for alcoholics and intoxicated persons on parole
7 ~~or extended supervision~~.

8 **SECTION 151.** 301.03 (13) of the statutes is amended to read:

9 301.03 **(13)** Annually notify each person who has been discharged from
10 probation, ~~extended supervision~~ or parole and who owed any supervision fees at the
11 time of discharge of any supervision fees owed by the person to the department.

12 **SECTION 152.** 301.046 (3) (intro.) of the statutes is amended to read:

13 301.046 **(3)** ELIGIBILITY. (intro.) The department shall determine those
14 prisoners who are confined under sub. (1). Except as provided in ~~subs.~~ sub. (3m) ~~and~~
15 ~~(3t)~~, a prisoner is eligible for this confinement only under all of the following
16 conditions:

17 **SECTION 153.** 301.046 (3t) of the statutes is repealed.

18 **SECTION 154.** 301.048 (1) (a) of the statutes is amended to read:

19 301.048 **(1)** (a) Punishment that is less costly than ordinary imprisonment and
20 more restrictive than ordinary probation or parole supervision ~~or extended~~
21 ~~supervision~~.

22 **SECTION 155.** 301.048 (2) (b) of the statutes is amended to read:

23 301.048 **(2)** (b) He or she is a prisoner serving a felony sentence not punishable
24 by life imprisonment and the department directs him or her to participate in the

SENATE BILL 137

1 program. ~~This paragraph does not apply to a prisoner serving a bifurcated sentence~~
2 ~~imposed under s. 973.01.~~

3 **SECTION 156.** 301.048 (2) (cm) of the statutes is repealed.

4 **SECTION 157.** 301.048 (2) (d) of the statutes is amended to read:

5 301.048 (2) (d) The department and the person agree to his or her participation
6 in the program as an alternative to revocation of probation, ~~extended supervision or~~
7 parole.

8 **SECTION 158.** 301.048 (2m) of the statutes is repealed.

9 **SECTION 159.** 301.048 (4) (a) of the statutes is amended to read:

10 301.048 (4) (a) A participant is in the custody and under the control of the
11 department, subject to its rules and discipline. A participant entering the program
12 under sub. (2) (a) or (b) is a prisoner. A participant entering the program under sub.
13 (2) (c) is a prisoner, except that he or she is a parolee for purposes of revocation. ~~A~~
14 ~~participant entering the program under sub. (2) (cm) is a prisoner, except that he or~~
15 ~~she remains a person on extended supervision for purposes of revocation. A~~
16 participant entering the program under sub. (2) (d) is a prisoner, except that he or
17 she remains a probationer, or parolee ~~or person on extended supervision~~, whichever
18 is applicable, for purposes of revocation.

19 **SECTION 160.** 301.048 (4) (am) of the statutes is amended to read:

20 301.048 (4) (am) A participant who is a parolee for purposes of revocation is
21 subject to revocation for violation of any condition of parole or any rule or condition
22 applicable because he or she is a program participant. ~~A participant who is a person~~
23 ~~on extended supervision for purposes of revocation is subject to revocation for~~
24 ~~violation of any condition of extended supervision or any rule or condition applicable~~
25 ~~because he or she is a program participant. A participant who is a probationer for~~

SENATE BILL 137

1 purposes of revocation is subject to revocation for violation of any condition of
2 probation or any rule or condition applicable because he or she is a program
3 participant.

4 **SECTION 161.** 301.048 (4m) (b) (intro.) of the statutes is amended to read:

5 301.048 **(4m)** (b) (intro.) As soon as possible after a prisoner, probationer, or
6 parolee ~~or person on extended supervision~~ who has violated s. 940.03, 940.05,
7 940.225 (1) or (2), 948.02 (1) or (2), 948.025, 948.06 or 948.07 enters the intensive
8 sanctions program, the department shall make a reasonable attempt to notify all of
9 the following persons, if they can be found, in accordance with par. (c) and after
10 receiving a completed card under par. (d):

11 **SECTION 162.** 301.048 (4m) (b) 1. of the statutes is amended to read:

12 301.048 **(4m)** (b) 1. The victim of the crime committed by the prisoner,
13 probationer, or parolee ~~or person on extended supervision~~ or, if the victim died as a
14 result of the crime, an adult member of the victim's family or, if the victim is younger
15 than 18 years old, the victim's parent or legal guardian.

16 **SECTION 163.** 301.048 (4m) (b) 2. of the statutes is amended to read:

17 301.048 **(4m)** (b) 2. Any witness who testified against the prisoner, probationer,
18 or parolee ~~or person on extended supervision~~ in any court proceeding involving the
19 offense.

20 **SECTION 164.** 301.048 (6) (a) of the statutes is renumbered 301.048 (6) and
21 amended to read:

22 301.048 **(6)** ~~Except as provided in par. (b), the~~ The department may discharge
23 a participant from participation in the program and from departmental custody and
24 control at any time.

25 **SECTION 165.** 301.048 (6) (b) of the statutes is repealed.

SENATE BILL 137

1 **SECTION 166.** 301.049 (2) (a) 2. of the statutes is amended to read:

2 301.049 **(2)** (a) 2. On probation, ~~extended supervision~~ or parole and who, if
3 approved by the department under par. (b), would participate in the program as an
4 alternative to revocation of probation, ~~extended supervision~~ or parole.

5 **SECTION 167.** 301.049 (3) (e) of the statutes is amended to read:

6 301.049 **(3)** (e) Prepare each mother to be able to live in a safe, lawful and stable
7 manner in the community upon parole, ~~extended supervision~~ or discharge.

8 **SECTION 168.** 301.08 (1) (c) 2., 3., 3m. and 5. of the statutes are amended to read:

9 301.08 **(1)** (c) 2. Beginning on January 1, 1996, the department may contract
10 with public, private or voluntary vendors for the supervision or for any component
11 of the supervision of probationers, and parolees ~~and persons on extended supervision~~
12 who are under minimum supervision or administrative supervision.

13 3. Except as provided in subd. 3m., a contract under subd. 2. shall authorize
14 a vendor to charge a fee to probationers, and parolees ~~and persons on extended~~
15 ~~supervision~~ sufficient to cover the cost of supervision and administration of the
16 contract.

17 3m. A contract under subd. 2. shall permit the department to prohibit a vendor
18 from charging a fee to a probationer, or parolee ~~or person on extended supervision~~
19 who is supervised under the contract if the probationer, or parolee ~~or person on~~
20 ~~extended supervision~~ demonstrates that he or she is unable to pay the fee because
21 of any of the following:

22 a. The probationer, or parolee ~~or person on extended supervision~~ is undergoing
23 treatment approved by the department and is unable to work.

24 b. The probationer, or parolee ~~or person on extended supervision~~ has a
25 statement from a physician certifying to the department that the probationer, or

SENATE BILL 137

1 parolee ~~or person on extended supervision~~ should be excused from working for
2 medical reasons.

3 5. The department shall promulgate rules for fees, collections, reporting and
4 verification regarding probationers, and parolees ~~and persons on extended~~
5 ~~supervision~~ supervised by a vendor who contracts with the department under subd.
6 2. and shall promulgate rules defining “administrative supervision” and “minimum
7 supervision”.

8 **SECTION 169.** 301.08 (3) (b) (intro.) of the statutes is amended to read:

9 301.08 (3) (b) (intro.) Before contracting under this section for transitional
10 housing for the temporary placement of persons on parole, ~~extended supervision~~ or
11 probation, the department shall notify all of the following of the proposed contract:

12 **SECTION 170.** 301.132 (2) of the statutes is amended to read:

13 301.132 (2) The department may require, as a condition of probation, or parole
14 ~~or extended supervision~~, that a probationer, or parolee ~~or person on extended~~
15 ~~supervision~~ who is a sex offender submit to a lie detector test when directed to do so
16 by the department.

17 **SECTION 171.** 301.132 (3) of the statutes is amended to read:

18 301.132 (3) The department shall promulgate rules establishing a lie detector
19 test program for probationers, and parolees ~~and persons on extended supervision~~
20 who are sex offenders. The rules shall provide for assessment of fees upon
21 probationers, and parolees ~~and persons on extended supervision~~ to partially offset
22 the costs of the program.

23 **SECTION 172.** 301.21 (1m) (a) 8. of the statutes is amended to read:

24 301.21 (1m) (a) 8. Provisions concerning procedures for probation, parole,
25 ~~extended supervision~~ and discharge.

SENATE BILL 137

1 **SECTION 173.** 301.21 (2m) (a) 6. of the statutes is amended to read:

2 301.21 **(2m)** (a) 6. Provisions concerning procedures for probation, parole,
3 ~~extended supervision~~ and discharge.

4 **SECTION 174.** 301.32 (3) (a) of the statutes is amended to read:

5 301.32 **(3)** (a) All money or other property paid or delivered to a probation,
6 ~~extended supervision~~ and parole agent or other employe of the department by or for
7 the benefit of any person on probation, ~~extended supervision~~ or parole shall be
8 immediately transmitted to the department and it shall enter the same upon its
9 books to his or her credit. The property shall be used only under the direction of the
10 department.

11 **SECTION 175.** 301.32 (3) (b) of the statutes is amended to read:

12 301.32 **(3)** (b) If the person on probation, ~~extended supervision~~ or parole
13 absconds, the money shall be credited to the revolving fund created by s. 304.075; and
14 other property if not called for within one year shall be sold by the department and
15 the proceeds shall be credited to the fund.

16 **SECTION 176.** 301.35 (2) (bm) of the statutes is repealed.

17 **SECTION 177.** 301.38 (1) (am) of the statutes is amended to read:

18 301.38 **(1)** (am) “Prisoner” has the meaning given in s. 301.01 (2), but does not
19 include any person in the intensive sanctions program under s. 301.048 or any person
20 who is imprisoned as an alternative to the revocation of probation, ~~extended~~
21 ~~supervision~~ or parole.

22 **SECTION 178.** 301.45 (1) (b) of the statutes is amended to read:

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

SENATE BILL 137

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

5 **SECTION 179.** 301.45 (1) (bm) of the statutes is amended to read:

6 301.45 (1) (bm) Is in prison, a secured correctional facility, as defined in s.
7 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or
8 on probation, ~~extended supervision~~, parole, supervision or aftercare supervision on
9 or after December 25, 1993, for a violation, or for the solicitation, conspiracy or
10 attempt to commit a violation, of a law of this state that is comparable to s. 940.22
11 (2), 940.225 (1), (2) or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06,
12 948.07, 948.08, 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or
13 940.31 if the victim was a minor and the person was not the victim's parent.

14 **SECTION 180.** 301.45 (1) (dh) of the statutes is amended to read:

15 301.45 (1) (dh) Is on parole, ~~extended supervision~~ or probation in this state
16 from another state under s. 304.13 or 304.135 on or after December 25, 1993, for a
17 violation, or for the solicitation, conspiracy or attempt to commit a violation, of the
18 law of another state that is comparable to a violation of s. 940.22 (2), 940.225 (1), (2)
19 or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055, 948.06, 948.07, 948.08,
20 948.11 or 948.30 or that is comparable to a violation of s. 940.30 or 940.31 if the victim
21 was a minor and the person was not the victim's parent.

22 **SECTION 181.** 301.45 (2) (a) 4. b. of the statutes is amended to read:

23 301.45 (2) (a) 4. b. The date the person was or is to be released from
24 confinement, whether on parole, ~~extended supervision~~ or otherwise, or discharged
25 or terminated from a sentence or commitment.

SENATE BILL 137

1 **SECTION 182.** 301.45 (2) (e) 1. of the statutes is amended to read:

2 301.45 **(2)** (e) 1. Within 10 days after the person being placed on parole,
3 ~~extended supervision~~, probation, supervision, aftercare supervision, conditional
4 release or supervised release.

5 **SECTION 183.** 301.45 (2) (e) 2. of the statutes is amended to read:

6 301.45 **(2)** (e) 2. If the person is on parole, ~~extended supervision~~ or probation
7 from another state under s. 304.13 or 304.135, within 10 days after the person enters
8 this state.

9 **SECTION 184.** 301.45 (3) (a) 1m. of the statutes is amended to read:

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

13 **SECTION 185.** 301.45 (3) (a) 2. of the statutes is amended to read:

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

18 **SECTION 186.** 301.45 (3) (b) 2. of the statutes is amended to read:

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

SENATE BILL 137

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

3 **SECTION 187.** 301.45 (3) (b) 4. of the statutes is amended to read:

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

8 **SECTION 188.** 301.45 (5) (a) 1m. of the statutes is amended to read:

9 301.45 **(5)** (a) 1m. If the person is on parole, ~~extended supervision~~ or probation
10 from another state under s. 304.13 or 304.135, 15 years after discharge from that
11 parole, ~~extended supervision~~ or probation.

12 **SECTION 189.** 301.46 (2) (b) 4. b. of the statutes is amended to read:

13 301.46 **(2)** (b) 4. b. The date the person was released from confinement, whether
14 on parole, ~~extended supervision~~ or otherwise, or discharged or terminated from a
15 sentence or commitment.

16 **SECTION 190.** 302.045 (1) of the statutes is amended to read:

17 302.045 **(1)** PROGRAM. The department shall provide a challenge incarceration
18 program for inmates selected to participate under sub. (2). The program shall
19 provide participants with strenuous physical exercise, manual labor, personal
20 development counseling, substance abuse treatment and education, military drill
21 and ceremony and counseling in preparation for release on parole ~~or extended~~
22 ~~supervision~~. The department shall design the program to include not less than 50
23 participants at a time and so that a participant may complete the program in not
24 more than 180 days. The department may restrict participant privileges as
25 necessary to maintain discipline.

SENATE BILL 137

1 **SECTION 191.** 302.045 (2) (cm) of the statutes is repealed.

2 **SECTION 192.** 302.045 (3) of the statutes is amended to read:

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

10 **SECTION 193.** 302.045 (3m) of the statutes is repealed.

11 **SECTION 194.** 302.045 (4) of the statutes is amended to read:

12 302.045 (4) INTENSIVE SANCTIONS PROGRAM PARTICIPANTS. The department may
13 place any intensive sanctions program participant in the challenge incarceration
14 program. The participant is not subject to subs. (2), and (3) ~~and (3m).~~

15 **SECTION 195.** 302.095 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is repealed and recreated to read:

17 302.095 (2) Any officer or other person who delivers or procures to be delivered
18 or has in his or her possession with intent to deliver to any inmate confined in a jail
19 or state prison, or who deposits or conceals in or about a jail or prison, or the precincts
20 of a jail or prison, or in any vehicle going into the premises belonging to a jail or
21 prison, any article or thing whatever, with intent that any inmate confined in the jail
22 or prison shall obtain or receive the same, or who receives from any inmate any
23 article or thing whatever with intent to convey the same out of a jail or prison,
24 contrary to the rules or regulations and without the knowledge or permission of the
25 sheriff or other keeper of the jail, in the case of a jail, or of the warden or

1 superintendent of the prison, in the case of a prison, shall be imprisoned for not more
2 than 2 years or fined not more than \$500.

3 **SECTION 196.** 302.11 (1) of the statutes is amended to read:

4 302.11 (1) The warden or superintendent shall keep a record of the conduct of
5 each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),
6 (1m), (1q), ~~(1z)~~, (7) and (10), each inmate is entitled to mandatory release on parole
7 by the department. The mandatory release date is established at two-thirds of the
8 sentence. Any calculations under this subsection or sub. (1q) (b) or (2) (b) resulting
9 in fractions of a day shall be rounded in the inmate's favor to a whole day.

10 **SECTION 197.** 302.11 (1g) (am) of the statutes is amended to read:

11 302.11 (1g) (am) The mandatory release date established in sub. (1) is a
12 presumptive mandatory release date for an inmate who is serving a sentence for a
13 serious felony committed on or after April 21, 1994, ~~but before December 31, 1999.~~

14 **SECTION 198.** 302.11 (1i) of the statutes is amended to read:

15 302.11 (1i) ~~Except as provided in sub. (1z), an~~ An inmate serving a sentence
16 to the intensive sanctions program is entitled to mandatory release. The mandatory
17 release date under sub. (1) is established at two-thirds of the sentence under s.
18 973.032 (3) (a).

19 **SECTION 199.** 302.11 (1p) of the statutes is amended to read:

20 302.11 (1p) An inmate serving a term subject to s. 961.49 (2) ~~for a crime~~
21 ~~committed before December 31, 1999,~~ is entitled to mandatory release, except the
22 inmate may not be released before he or she has complied with s. 961.49 (2).

23 **SECTION 200.** 302.11 (1z) of the statutes is repealed.

24 **SECTION 201.** 302.11 (6) of the statutes is amended to read:

SENATE BILL 137

1 302.11 **(6)** Any inmate released on parole under sub. (1) or (1g) (b) or s. 304.02
2 or 304.06 (1) is subject to all conditions and rules of parole until the expiration of the
3 sentence or until he or she is discharged by the department. Except as provided in
4 ch. 304, releases from prison shall be on the Tuesday or Wednesday preceding the
5 release date. The department may discharge a parolee on or after his or her
6 mandatory release date or after 2 years of supervision. Any inmate sentenced to the
7 intensive sanctions program who is released on parole under sub. (1) or s. 304.02 or
8 304.06 (1) remains in the program unless discharged by the department under s.
9 301.048 (6) (a).

10 **SECTION 202.** 302.11 (9) of the statutes is amended to read:

11 302.11 **(9)** Except as provided in ~~subs.~~ sub. (1g) (am) ~~and (1z)~~, this section
12 applies to persons committing offenses occurring on or after June 1, 1984, or persons
13 filing requests in accordance with 1983 Wisconsin Act 528, section 29 (2) or (3).

14 **SECTION 203.** 302.113 of the statutes is repealed.

15 **SECTION 204.** 302.114 of the statutes is repealed.

16 **SECTION 205.** 302.14 of the statutes is amended to read:

17 **302.14 (title) Property of deceased inmates, parolees, or probationers**
18 **~~or persons on extended supervision, disposition.~~** When an inmate of a prison,
19 a parolee of an institution, ~~a person on extended supervision~~ or a person on probation
20 to the department dies leaving an estate of \$150 or less in the trust of the warden,
21 superintendent or secretary, the warden, superintendent or secretary shall try to
22 determine whether or not the estate is to be probated. If probate proceedings are not
23 commenced within 90 days, the warden, superintendent or secretary shall turn over
24 the money or securities to the nearest of kin as evidenced by the records of the
25 institution and the department.

SENATE BILL 137

1 **SECTION 206.** 302.17 (2) of the statutes is amended to read:

2 302.17 **(2)** The department shall make entries on the register to reflect the
3 progress made by each inmate while incarcerated and the inmate's release on parole
4 ~~or extended supervision~~, condition at the time of release on parole ~~or extended~~
5 ~~supervision~~ and progress made while on parole ~~or extended supervision~~. This
6 subsection does not apply to inmates subject to an order under s. 48.366.

7 **SECTION 207.** 302.25 (4) (c) of the statutes is amended to read:

8 302.25 **(4)** (c) Inmates confined in an institution pursuant to the terms of this
9 compact shall at all times be subject to the jurisdiction of the sending state and may
10 at any time be removed therefrom for transfer to a prison or other institution within
11 the sending state, for transfer to another institution in which the sending state may
12 have a contractual or other right to confine inmates, for release on probation,
13 ~~extended supervision~~ or parole, for discharge, or for any other purpose permitted by
14 the laws of the sending state; provided, that the sending state shall continue to be
15 obligated to such payments as may be required pursuant to the terms of any contract
16 entered into under the terms of sub. (3).

17 **SECTION 208.** 302.33 (2) (a) (intro.) of the statutes is amended to read:

18 302.33 **(2)** (a) (intro.) The department shall pay for the maintenance of persons
19 in its custody who are placed in the county jail or other county facility, or in a tribal
20 jail under s. 302.445, pending disposition of parole, ~~extended supervision~~ or
21 probation revocation proceedings subject to the following conditions:

22 **SECTION 209.** 302.33 (2) (b) of the statutes is amended to read:

23 302.33 **(2)** (b) This subsection applies only to probationers, or parolees ~~or~~
24 ~~persons on extended supervision~~ who were placed on that status in connection with

SENATE BILL 137

1 a conviction for a felony. This subsection applies only to confinements initiated after
2 July 2, 1983.

3 **SECTION 210.** 302.335 (title) of the statutes is amended to read:

4 **302.335 (title) Restrictions on detaining probationers, and parolees**
5 **and persons on extended supervision in county or tribal jail.**

6 **SECTION 211.** 302.335 (2) (intro.) of the statutes is amended to read:

7 302.335 (2) (intro.) If a probationer, or parolee ~~or person on extended~~
8 ~~supervision~~ is detained in a county jail or other county facility, or in a tribal jail under
9 s. 302.445, pending disposition of probation, or parole ~~or extended supervision~~
10 revocation proceedings, the following conditions apply:

11 **SECTION 212.** 302.335 (2) (a) (intro.) of the statutes is amended to read:

12 302.335 (2) (a) (intro.) The department shall begin a preliminary revocation
13 hearing within 15 working days after the probationer, or parolee ~~or person on~~
14 ~~extended supervision~~ is detained in the county jail, other county facility or the tribal
15 jail. The department may extend, for cause, this deadline by not more than 5
16 additional working days upon written notice to the probationer, or parolee ~~or person~~
17 ~~on extended supervision~~ and the sheriff, the tribal chief of police or other person in
18 charge of the county facility. This paragraph does not apply under any of the
19 following circumstances:

20 **SECTION 213.** 302.335 (2) (a) 1. of the statutes is amended to read:

21 302.335 (2) (a) 1. The probationer, or parolee ~~or person on extended supervision~~
22 has waived, in writing, the right to a preliminary hearing.

23 **SECTION 214.** 302.335 (2) (a) 2. of the statutes is amended to read:

24 302.335 (2) (a) 2. The probationer, or parolee ~~or person on extended supervision~~
25 has given and signed a written statement that admits the violation.

SENATE BILL 137

1 **SECTION 215.** 302.335 (2) (a) 3. of the statutes is amended to read:

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

6 **SECTION 216.** 302.335 (2) (b) of the statutes is amended to read:

7 302.335 **(2)** (b) The division shall begin a final revocation hearing within 50
8 calendar days after the person is detained in the county jail, other county facility or
9 the tribal jail. The department may request the division to extend this deadline by
10 not more than 10 additional calendar days, upon notice to the probationer, or parolee
11 ~~or person on extended supervision~~, the sheriff, the tribal chief of police or other
12 person in charge of the facility, and the division. The division may grant the request.
13 This paragraph does not apply if the probationer, or parolee ~~or person on extended~~
14 ~~supervision~~ has waived the right to a final revocation hearing.

15 **SECTION 217.** 302.335 (3) of the statutes is amended to read:

16 302.335 **(3)** If there is a failure to begin a hearing within the time requirements
17 under sub. (2), the sheriff, the tribal chief of police or other person in charge of a
18 county facility shall notify the department at least 24 hours before releasing a
19 probationer, or parolee ~~or person on extended supervision~~ under this subsection.

20 **SECTION 218.** 302.335 (4) of the statutes is amended to read:

21 302.335 **(4)** This section applies to probationers, or parolees ~~or persons on~~
22 ~~extended supervision~~ who begin detainment in a county jail, other county facility or
23 a tribal jail on or after July 1, 1990, except that this section does not apply to any
24 probationer, or parolee ~~or person on extended supervision~~ who is in the county jail,
25 other facility or the tribal jail and serving a sentence.

SENATE BILL 137

1 **SECTION 219.** 303.065 (1) (b) of the statutes is amended to read:

2 303.065 (1) (b) 1. A person serving a life sentence, other than a life sentence
3 specified in subd. 2., may be considered for work release only after he or she has
4 reached parole eligibility under s. 304.06 (1) (b) or 973.014 (1) (a) or (b), whichever
5 is applicable, ~~or he or she has reached his or her extended supervision eligibility date~~
6 ~~under s. 302.114 (9) (b) or 973.014 (1g) (a) 1. or 2., whichever is applicable.~~

7 2. A person serving a life sentence under s. 939.62 (2m) (c) or 973.014 (1) (c) ~~or~~
8 ~~(1g) (a) 3.~~ may not be considered for work release.

9 **SECTION 220.** 303.21 (1) (a) of the statutes is amended to read:

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

22 **SECTION 221.** 303.215 of the statutes is amended to read:

23 **303.215 Compensation to prisoners or residents injured in prison**
24 **industries employment.** In accordance with s. 102.03 (2), for an inmate of a state
25 institution or a resident subject to s. 303.01 (1) (b) employed under s. 303.06 (2),

SENATE BILL 137

1 compensation under ch. 102 on being released from the applicable institution, on
2 parole, ~~on extended supervision~~, on final discharge or in accordance with ch. 938,
3 whichever is applicable, is the exclusive remedy against the department and any
4 employe of the department for any injury sustained by the inmate or resident while
5 performing service growing out of and incidental to that employment. The
6 department shall make any payments required under this section from the revolving
7 appropriation for the operation of prison industries or, if there is no revolving
8 appropriation for the operation of prison industries, from the general fund.

9 **SECTION 222.** 304.02 (3) (c) of the statutes is amended to read:

10 304.02 (3) (c) The institution social worker or the probation, ~~extended~~
11 ~~supervision~~ and parole agent of record has reason to believe the prisoner will be able
12 to maintain himself or herself in society without engaging in assaultive activity.

13 **SECTION 223.** 304.02 (4) of the statutes is amended to read:

14 304.02 (4) If a person is sentenced under s. 973.032, he or she is eligible for a
15 release to parole supervision under this section and remains in the intensive
16 sanctions program unless discharged by the department under s. 301.048 (6) (a).

17 **SECTION 224.** 304.02 (5) of the statutes is amended to read:

18 304.02 (5) Notwithstanding subs. (1) to (3), a prisoner who is serving a life
19 sentence under s. 939.62 (2m) (c) or 973.014 (1) (c) ~~or (1g)~~ is not eligible for release
20 to parole supervision under this section.

21 **SECTION 225.** 304.02 (6) of the statutes is repealed.

22 **SECTION 226.** 304.06 (1) (b) of the statutes is amended to read:

23 304.06 (1) (b) Except as provided in sub. (1m) or s. 302.045 (3), 961.49 (2),
24 973.01 (6) or 973.0135, the parole commission may parole an inmate of the Wisconsin
25 state prisons or any felon or any person serving at least one year or more in a county

SENATE BILL 137

1 house of correction or a county reforestation camp organized under s. 303.07, when
2 he or she has served 25% of the sentence imposed for the offense, or 6 months,
3 whichever is greater. Except as provided in s. 939.62 (2m) (c) or 973.014 (1) (b) or (c),
4 (1g) or (2), the parole commission may parole an inmate serving a life term when he
5 or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject
6 to extension under s. 302.11 (1q) and (2), if applicable. The person serving the life
7 term shall be given credit for time served prior to sentencing under s. 973.155,
8 including good time under s. 973.155 (4). The secretary may grant special action
9 parole releases under s. 304.02. The department or the parole commission shall not
10 provide any convicted offender or other person sentenced to the department's custody
11 any parole eligibility or evaluation until the person has been confined at least 60 days
12 following sentencing.

13 **SECTION 227.** 304.06 (1y) of the statutes is amended to read:

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

17 **SECTION 228.** 304.062 (title) of the statutes is amended to read:

18 **304.062 (title) Ordering parolees and persons on extended supervision**
19 **to perform community service work.**

20 **SECTION 229.** 304.062 (1) of the statutes is amended to read:

21 304.062 (1) The department may order that a parolee ~~or a person on extended~~
22 ~~supervision~~ perform community service work for a public agency or a nonprofit
23 charitable organization. An order may apply only if agreed to by the parolee ~~or the~~
24 ~~person on extended supervision~~ and the organization or agency. The department
25 shall ensure that the parolee ~~or the person on extended supervision~~ is provided a

SENATE BILL 137

1 written statement of the terms of the community service order and shall monitor the
2 compliance of the parolee ~~or person on extended supervision~~ with the community
3 service order.

4 **SECTION 230.** 304.062 (2) of the statutes is amended to read:

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

11 **SECTION 231.** 304.063 (title) of the statutes is amended to read:

12 **304.063 (title) Notification prior to release on extended supervision or**
13 **parole.**

14 **SECTION 232.** 304.063 (2) (intro.) of the statutes is amended to read:

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

21 **SECTION 233.** 304.063 (3) of the statutes is amended to read:

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

25 **SECTION 234.** 304.071 (2) of the statutes is amended to read:

SENATE BILL 137

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

4 **SECTION 235.** 304.072 (title) of the statutes is amended to read:

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

7 **SECTION 236.** 304.072 (1) of the statutes is amended to read:

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

17 **SECTION 237.** 304.072 (2) of the statutes is amended to read:

18 304.072 (2) If a parolee, or probationer ~~or person on extended supervision~~ is
19 alleged to have violated the terms of his or her supervision but the department or
20 division determines that the alleged violation was not proven, the period between the
21 alleged violation and the determination shall be treated as service of the
22 probationary, ~~extended supervision~~ or parole period.

23 **SECTION 238.** 304.072 (3) of the statutes is amended to read:

24 304.072 (3) Except as provided in s. 973.09 (3) (b), the department preserves
25 jurisdiction over a probationer, or parolee ~~or person on extended supervision~~ if it

SENATE BILL 137

1 commences an investigation, issues a violation report or issues an apprehension
2 request concerning an alleged violation prior to the expiration of the probationer's,
3 parolee's or person's term of supervision.

4 **SECTION 239.** 304.072 (4) of the statutes is amended to read:

5 304.072 (4) The sentence of a revoked parolee ~~or person on extended~~
6 ~~supervision~~ resumes running on the day he or she is received at a correctional
7 institution subject to sentence credit for the period of custody in a jail, correctional
8 institution or any other detention facility pending revocation according to the terms
9 of s. 973.155.

10 **SECTION 240.** 304.073 (2) of the statutes is amended to read:

11 304.073 (2) Beginning on January 1, 1996, the department shall charge a fee
12 to any probationer, or parolee ~~or person on extended supervision~~ who is under
13 minimum or administrative supervision and is supervised by the department. The
14 fee does not apply if the person is supervised by a vendor under s. 301.08 (1) (c). The
15 department shall set the fee sufficient to cover the cost of supervision. The
16 department shall collect moneys for the fee charged under this subsection and credit
17 those moneys to the appropriation account under s. 20.410 (1) (ge).

18 **SECTION 241.** 304.073 (2m) (a) of the statutes is amended to read:

19 304.073 (2m) (a) If a probationer, or parolee ~~or person on extended supervision~~
20 who owes unpaid fees to the department under sub. (2) is discharged from probation
21 or from his or her sentence before the department collects the unpaid fees, the
22 department shall, at the time of discharge, issue a notice to the probationer, or
23 parolee ~~or person on extended supervision~~ that states that he or she owes unpaid fees
24 under sub. (2) and that he or she is responsible for the payment of the unpaid fees.

SENATE BILL 137

1 The notice under this paragraph shall be issued with the certificate of discharge
2 required under s. 304.078 or 973.09 (5).

3 **SECTION 242.** 304.073 (4) of the statutes is amended to read:

4 304.073 (4) The department may decide not to charge a fee under sub. (2) to
5 any probationer, or parolee ~~or person on extended supervision~~ if the probationer, or
6 parolee ~~or person on extended supervision~~ demonstrates that he or she is unable to
7 pay the fee because of any of the following:

8 (a) The probationer, or parolee ~~or person on extended supervision~~ is undergoing
9 treatment approved by the department and is unable to work.

10 (b) The probationer, or parolee ~~or person on extended supervision~~ has a
11 statement from a physician certifying to the department that the probationer, or
12 parolee ~~or person on extended supervision~~ should be excused from working for
13 medical reasons.

14 **SECTION 243.** 304.074 (title) of the statutes is amended to read:

15 **304.074 (title) Reimbursement fee for persons on probation, and**
16 **~~parole, and extended supervision.~~**

17 **SECTION 244.** 304.074 (2) of the statutes is amended to read:

18 304.074 (2) Beginning on January 1, 1996, the department shall charge a fee
19 to probationers, and parolees ~~and persons on extended supervision~~ to partially
20 reimburse the department for the costs of providing supervision and services. The
21 department shall set varying rates for probationers, and parolees ~~or persons on~~
22 ~~extended supervision~~ based on ability to pay and with the goal of receiving at least
23 \$1 per day, if appropriate, from each probationer, and parolee ~~and person on extended~~
24 supervision. The department shall not charge a fee while the probationer, or parolee
25 ~~or person on extended supervision~~ is exempt under sub. (3). The department shall

1 collect moneys for the fees charged under this subsection and credit those moneys to
2 the appropriation account under s. 20.410 (1) (gf).

3 **SECTION 245.** 304.074 (3) (intro.) of the statutes is amended to read:

4 304.074 (3) (intro.) The department may decide not to charge a fee under sub.
5 (2) to any probationer, or parolee ~~or person on extended supervision~~ while he or she
6 meets any of the following conditions:

7 **SECTION 246.** 304.074 (3) (d) of the statutes is amended to read:

8 304.074 (3) (d) Has a statement from a physician certifying to the department
9 that the probationer, or parolee ~~or person on extended supervision~~ should be excused
10 from working for medical reasons.

11 **SECTION 247.** 304.074 (4) of the statutes is amended to read:

12 304.074 (4) The fee under sub. (2) does not apply to any probationer, or parolee
13 ~~or person on extended supervision~~ who is under minimum or administrative
14 supervision.

15 **SECTION 248.** 304.074 (4m) (a) of the statutes is amended to read:

16 304.074 (4m) (a) If a probationer, or parolee ~~or person on extended supervision~~
17 who owes unpaid fees to the department under sub. (2) is discharged from probation
18 or from his or her sentence before the department collects the unpaid fees, the
19 department shall, at the time of discharge, issue a notice to the probationer, or
20 parolee ~~or person on extended supervision~~ that states that he or she owes unpaid fees
21 under sub. (2) and that he or she is responsible for the payment of the unpaid fees.
22 The notice under this paragraph shall be issued with the certificate of discharge
23 required under s. 304.078 or 973.09 (5).

24 **SECTION 249.** 304.075 of the statutes is amended to read:

SENATE BILL 137

1 **304.075** (title) **Loan fund for probationers, and parolees and persons on**
2 **extended supervision.** The department shall create a revolving fund out of any
3 moneys in its hands belonging to probationers, and parolees ~~or persons on extended~~
4 ~~supervision~~ who absconded, or whose whereabouts are unknown. The fund shall be
5 used to defray the expenses of clothing, transportation, maintenance and other
6 necessities for probationers, and parolees ~~and persons on extended supervision~~ who
7 are without means to secure those necessities. All payments made from the fund
8 shall be repaid by probationers, or parolees ~~or persons on extended supervision~~ for
9 whose benefit they are made whenever possible; and any moneys belonging to them
10 so paid into the revolving fund shall be repaid to them in accordance with law, in case
11 a claim therefor is filed with the department upon showing the legal right of the
12 claimant to such money.

13 **SECTION 250.** 304.13 (1) (intro.) of the statutes is amended to read:

14 304.13 **(1)** (intro.) That it shall be competent for the duly constituted judicial
15 and administrative authorities of a sending state to permit any person convicted of
16 an offense within the sending state and placed on probation or released on ~~extended~~
17 ~~supervision or parole~~ to reside in any receiving state while on probation, ~~extended~~
18 ~~supervision~~ or parole, if:

19 **SECTION 251.** 304.13 (2) of the statutes is amended to read:

20 304.13 **(2)** That each receiving state will assume the duties of visitation of and
21 supervision over probationers, ~~persons on extended supervision~~ or parolees of any
22 sending state and in the exercise of those duties will be governed by the same
23 standards that prevail for its own probationers, ~~persons on extended supervision~~ and
24 parolees.

25 **SECTION 252.** 304.13 (3) of the statutes is amended to read:

SENATE BILL 137

1 304.13 (3) That the duly accredited officers of a sending state may at all times
2 enter a receiving state and there apprehend and retake any person on probation,
3 ~~extended supervision~~ or parole. For that purpose no formalities will be required
4 other than establishing the authority of the officer and the identity of the person to
5 be retaken. All legal requirements to obtain extradition of fugitives from justice are
6 expressly waived on the part of states party hereto, as to such persons. The decision
7 of the sending state to retake a person on probation, ~~extended supervision~~ or parole
8 shall be conclusive upon and not reviewable within the receiving state; provided,
9 however, that if at the time when a state seeks to retake a probationer, ~~person on~~
10 ~~extended supervision~~ or parolee there should be pending against that person within
11 the receiving state any criminal charge, or that person should be suspected of having
12 committed within such state a criminal offense, that person shall not be retaken
13 without the consent of the receiving state until discharged from prosecution or from
14 imprisonment for such offense.

15 **SECTION 253.** 304.13 (7) of the statutes is amended to read:

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

23 **SECTION 254.** 304.13 (8) (b) of the statutes is amended to read:

SENATE BILL 137

1 304.13 **(8)** (b) “Sending state” means a party to this compact permitting its
2 probationers, ~~persons on extended supervision~~ and parolees to reside in a receiving
3 state.

4 **SECTION 255.** 304.135 of the statutes is amended to read:

5 **304.135** (title) **Out-of-state supervision of parolees and persons on**
6 **extended supervision without compact.** The department may permit any
7 person convicted of an offense within this state and placed on probation or released
8 on ~~extended supervision or parole~~ to reside in any other state not a party to the
9 compact authorized by s. 304.13 whenever the authorities of the receiving state agree
10 to assume the duties of visitation of and supervision over the probationer, ~~person on~~
11 ~~extended supervision~~ or parolee, governed by the same standards that prevail for its
12 own probationers, ~~persons on extended supervision~~ and parolees, on the same terms
13 as are provided in s. 304.13 (1) and (2) in the case of states signatory to the compact.
14 Before permitting any probationer, ~~person on extended supervision~~ or parolee to
15 leave this state under this section, the department shall obtain from him or her a
16 signed agreement to return to this state upon demand of the department and an
17 irrevocable waiver of all procedure incidental to extradition. The department may,
18 in like manner, receive for supervision probationers, ~~persons on extended~~
19 ~~supervision~~ and parolees convicted in states not signatory to the compact, and shall
20 have the same custody and control of those persons as it has over probationers,
21 ~~persons on extended supervision~~ and parolees of this state.

22 **SECTION 256.** 304.137 of the statutes is amended to read:

23 **304.137 Determination concerning submission of human biological**
24 **specimen.** If the department accepts supervision of a probationer, ~~person on~~
25 ~~extended supervision~~ or parolee from another state under s. 304.13 or 304.135, the

SENATE BILL 137

1 department shall determine whether the violation of law for which the person is on
2 probation, ~~extended supervision~~ or parole is comparable to a violation of s. 940.225
3 (1) or (2), 948.02 (1) or (2) or 948.025. If the department determines that a person
4 on probation, ~~extended supervision~~ or parole from another state violated a law that
5 is comparable to a violation of s. 940.225 (1) or (2), 948.02 (1) or (2) or 948.025, the
6 department shall direct the probationer, ~~person on extended supervision~~ or parolee
7 to provide a biological specimen under s. 165.76.

8 **SECTION 257.** 304.14 of the statutes is amended to read:

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

18 **SECTION 258.** 341.605 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
19 is repealed and recreated to read:

20 341.605 (3) Whoever violates sub. (1) or (2) may be fined not more than \$5,000
21 or imprisoned for not more than 5 years, or both, for each violation.

22 **SECTION 259.** 342.06 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
23 is repealed and recreated to read:

SENATE BILL 137

1 342.06 (2) Any person who knowingly makes a false statement in an
2 application for a certificate of title may be fined not more than \$5,000 or imprisoned
3 not more than 5 years or both.

4 **SECTION 260.** 342.065 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
5 283, is repealed and recreated to read:

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

8 **SECTION 261.** 342.155 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
9 283, is repealed and recreated to read:

10 342.155 (4) (b) Any person who violates this section with intent to defraud may
11 be fined not more than \$5,000 or imprisoned for not more than 5 years or both.

12 **SECTION 262.** 342.156 (6) (b) of the statutes, as affected by 1997 Wisconsin Act
13 283, is repealed and recreated to read:

14 342.156 (6) (b) Any person who violates this section with intent to defraud may
15 be fined not more than \$5,000 or imprisoned for not more than 5 years or both.

16 **SECTION 263.** 342.30 (3) (a) of the statutes, as affected by 1997 Wisconsin Act
17 283, is repealed and recreated to read:

18 342.30 (3) (a) Any person who violates sub. (1g) may be fined not more than
19 \$5,000 or imprisoned for not more than 5 years or both.

20 **SECTION 264.** 342.32 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
21 is repealed and recreated to read:

22 342.32 (3) Whoever violates sub. (1) or (2) may be fined not more than \$5,000
23 or imprisoned for not more than 5 years, or both, for each violation.

24 **SECTION 265.** 343.06 (1) (i) of the statutes is amended to read:

SENATE BILL 137

1 343.06 (1) (i) To any person who has been convicted of any offense specified
2 under ss. 940.225, 948.02, 948.025 and 948.07 or adjudged delinquent under ch. 938
3 for a like or similar offense, when the sentencing court makes a finding that issuance
4 of a license will be inimical to the public safety and welfare. The prohibition against
5 issuance of a license to the offenders shall apply immediately upon receipt of a record
6 of the conviction and the court finding by the secretary, for a period of one year or
7 until discharge from any jail or prison sentence or any period of probation, ~~extended~~
8 ~~supervision~~ or parole with respect to the offenses specified, whichever date is the
9 later. Receipt by the offender of a certificate of discharge from the department of
10 corrections or other responsible supervising agency, after one year has elapsed since
11 the prohibition began, entitles the holder to apply for an operator's license. The
12 applicant may be required to present the certificate of discharge to the secretary if
13 the latter deems it necessary.

14 **SECTION 266.** 343.30 (2d) of the statutes is amended to read:

15 343.30 (2d) A court may suspend or revoke a person's operating privilege upon
16 conviction of any offense specified under ss. 940.225, 948.02, 948.025 and 948.07, if
17 the court finds that it is inimical to the public safety and welfare for the offender to
18 have operating privileges. The suspension or revocation shall be for one year or until
19 discharge from prison or jail sentence or probation, ~~extended supervision~~ or parole
20 with respect to the offenses specified, whichever date is later. Receipt of a certificate
21 of discharge from the department of corrections or other responsible supervising
22 agency, after one year has elapsed since the suspension or revocation, entitles the
23 holder to reinstatement of operating privileges. The holder may be required to
24 present the certificate to the secretary if the secretary deems necessary.

SENATE BILL 137

1 **SECTION 267.** 344.48 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is repealed and recreated to read:

3 344.48 (2) Any person violating this section may be fined not more than \$1,000
4 or imprisoned for not more than one year or both.

5 **SECTION 268.** 346.17 (3) (a) of the statutes, as affected by 1997 Wisconsin Act
6 283, is repealed and recreated to read:

7 346.17 (3) (a) Except as provided in par. (b), (c) or (d), any person violating s.
8 346.04 (3) shall be fined not less than \$600 nor more than \$10,000 and may be
9 imprisoned for not more than 2 years.

10 **SECTION 269.** 346.17 (3) (b) of the statutes, as affected by 1997 Wisconsin Act
11 283, is repealed and recreated to read:

12 346.17 (3) (b) If the violation results in bodily harm, as defined in s. 939.22 (4),
13 to another, or causes damage to the property of another, as defined in s. 939.22 (28),
14 the person shall be fined not less than \$1,000 nor more than \$10,000 and may be
15 imprisoned for not more than 2 years.

16 **SECTION 270.** 346.17 (3) (c) of the statutes, as affected by 1997 Wisconsin Act
17 283, is repealed and recreated to read:

18 346.17 (3) (c) If the violation results in great bodily harm, as defined in s. 939.22
19 (14), to another, the person shall be fined not less than \$1,100 nor more than \$10,000
20 and may be imprisoned for not more than 2 years.

21 **SECTION 271.** 346.17 (3) (d) of the statutes, as affected by 1997 Wisconsin Act
22 283, is repealed and recreated to read:

23 346.17 (3) (d) If the violation results in the death of another, the person shall
24 be fined not less than \$1,100 nor more than \$10,000 and may be imprisoned for not
25 more than 5 years.

SENATE BILL 137

1 **SECTION 272.** 346.65 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is repealed and recreated to read:

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

6 **SECTION 273.** 346.74 (5) (b) of the statutes, as affected by 1997 Wisconsin Act
7 283, is repealed and recreated to read:

8 346.74 (5) (b) Shall be fined not less than \$300 nor more than \$5,000 or
9 imprisoned not less than 10 days nor more than one year or both if the accident
10 involved injury to a person but the person did not suffer great bodily harm.

11 **SECTION 274.** 346.74 (5) (c) of the statutes, as affected by 1997 Wisconsin Act
12 283, is repealed and recreated to read:

13 346.74 (5) (c) May be fined not more than \$10,000 or imprisoned not more than
14 2 years or both if the accident involved injury to a person and the person suffered
15 great bodily harm.

16 **SECTION 275.** 346.74 (5) (d) of the statutes, as affected by 1997 Wisconsin Act
17 283, is repealed and recreated to read:

18 346.74 (5) (d) May be fined not more than \$10,000 or imprisoned not more than
19 5 years or both if the accident involved death to a person.

20 **SECTION 276.** 350.11 (2m) of the statutes, as affected by 1997 Wisconsin Act
21 283, is repealed and recreated to read:

22 350.11 (2m) Any person who violates s. 350.135 (1) shall be fined not more than
23 \$10,000 or imprisoned for not more than 2 years or both if the violation causes the
24 death or injury, as defined in s. 30.67 (3) (b), of another person.

SENATE BILL 137

1 **SECTION 277.** 446.07 of the statutes, as affected by 1997 Wisconsin Act 283, is
2 repealed and recreated to read:

3 **446.07 Penalty.** Anyone violating this chapter may be fined not less than \$100
4 nor more than \$500 or imprisoned for not more than one year or both.

5 **SECTION 278.** 447.09 of the statutes, as affected by 1997 Wisconsin Act 283, is
6 repealed and recreated to read:

7 **447.09 Penalties.** Any person who violates this chapter may be fined not more
8 than \$1,000 or imprisoned for not more than one year in the county jail or both for
9 the first offense and may be fined not more than \$2,500 or imprisoned for not more
10 than 2 years or both for the 2nd or subsequent conviction within 5 years.

11 **SECTION 279.** 450.11 (9) (b) of the statutes, as affected by 1997 Wisconsin Act
12 283, is repealed and recreated to read:

13 450.11 **(9) (b)** Any person who delivers, or who possesses with intent to
14 manufacture or deliver, a prescription drug in violation of this section may be fined
15 not more than \$10,000 or imprisoned for not more than 5 years or both.

16 **SECTION 280.** 450.14 (5) of the statutes, as affected by 1997 Wisconsin Act 283,
17 is repealed and recreated to read:

18 450.14 **(5)** Any person who violates this section may be fined not less than \$100
19 nor more than \$1,000 or imprisoned for not less than one year nor more than 5 years
20 or both.

21 **SECTION 281.** 450.15 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
22 is repealed and recreated to read:

23 450.15 **(2)** Any person who violates this section may be fined not less than \$100
24 nor more than \$1,000 or imprisoned for not less than one year nor more than 5 years
25 or both.

SENATE BILL 137

1 **SECTION 282.** 551.58 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is repealed and recreated to read:

3 551.58 (1) Any person who wilfully violates any provision of this chapter except
4 s. 551.54, or any rule under this chapter, or any order of which the person has notice,
5 or who violates s. 551.54 knowing or having reasonable cause to believe that the
6 statement made was false or misleading in any material respect, may be fined not
7 more than \$5,000 or imprisoned for not more than 5 years or both. Each of the acts
8 specified shall constitute a separate offense and a prosecution or conviction for any
9 one of such offenses shall not bar prosecution or conviction for any other offense.

10 **SECTION 283.** 552.19 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
11 is repealed and recreated to read:

12 552.19 (1) Any person, including a controlling person of an offer or target
13 company, who wilfully violates this chapter or any rule under this chapter, or any
14 order of which the person has notice, may be fined not more than \$5,000 or
15 imprisoned for not more than 5 years or both. Each of the acts specified constitutes
16 a separate offense and a prosecution or conviction for any one of the offenses does not
17 bar prosecution or conviction for any other offense.

18 **SECTION 284.** 553.52 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
19 is repealed and recreated to read:

20 553.52 (1) Any person who wilfully violates s. 553.41 (2) to (5) or any order of
21 which the person has notice, or who violates s. 553.41 (1) knowing or having
22 reasonable cause to believe either that the statement made was false or misleading
23 in any material respect or that the failure to report a material event under s. 553.31
24 (1) was false or misleading in any material respect, may be fined not more than
25 \$5,000 or imprisoned for not more than 5 years or both. Each of the acts specified

SENATE BILL 137

1 is a separate offense, and a prosecution or conviction for any one of those offenses
2 does not bar prosecution or conviction for any other offense.

3 **SECTION 285.** 553.52 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
4 is repealed and recreated to read:

5 553.52 (2) Any person who employs, directly or indirectly, any device, scheme
6 or artifice to defraud in connection with the offer or sale of any franchise or engages,
7 directly or indirectly, in any act, practice, or course of business that operates or would
8 operate as a fraud or deceit upon any person in connection with the offer or sale of
9 any franchise shall be fined not more than \$5,000 or imprisoned for not more than
10 5 years or both.

11 **SECTION 286.** 562.13 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
12 is repealed and recreated to read:

13 562.13 (3) Whoever violates s. 562.11 (2) or (3) may be fined not more than
14 \$10,000 or imprisoned for not more than 2 years or both.

15 **SECTION 287.** 562.13 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is repealed and recreated to read:

17 562.13 (4) Whoever violates s. 562.09, 562.105, 562.11 (4) or 562.12 may be
18 fined not more than \$10,000 or imprisoned for not more than 5 years or both.

19 **SECTION 288.** 563.14 (2) of the statutes is amended to read:

20 563.14 (2) The supervising member and member responsible for the proper
21 utilization of gross receipts are active members of the applicant organization who,
22 subject to ss. 111.321, 111.322 and 111.335, have never been convicted of a felony or,
23 if convicted, have received a pardon or have been released from parole, ~~extended~~
24 ~~supervision~~ or probation for at least 5 years.

25 **SECTION 289.** 563.27 (1) of the statutes is amended to read:

SENATE BILL 137

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

4 **SECTION 290.** 563.51 (29) (b) of the statutes is amended to read:

5 563.51 **(29)** (b) Subject to ss. 111.321, 111.322 and 111.335, has never been
6 convicted of a felony or, if convicted, has been pardoned or released from probation,
7 ~~extended supervision~~ or parole for at least 5 years.

8 **SECTION 291.** 565.50 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
9 is repealed and recreated to read:

10 565.50 **(2)** Any person who alters or forges a lottery ticket or share or
11 intentionally utters or transfers an altered or forged lottery ticket or share shall be
12 fined not more than \$10,000 or imprisoned for not more than 5 years or both.

13 **SECTION 292.** 565.50 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
14 is repealed and recreated to read:

15 565.50 **(3)** Any person who possesses an altered or forged lottery ticket or share
16 with intent to defraud shall be fined not more than \$10,000 or imprisoned for not
17 more than 2 years or both.

18 **SECTION 293.** 601.64 (4) of the statutes, as affected by 1997 Wisconsin Act 283,
19 is repealed and recreated to read:

20 601.64 **(4)** CRIMINAL PENALTY. Whoever intentionally violates or intentionally
21 permits any person over whom he or she has authority to violate or intentionally aids
22 any person in violating any insurance statute or rule of this state, s. 149.13 or
23 149.144 or any effective order issued under s. 601.41 (4) may, unless a specific penalty
24 is provided elsewhere in the statutes, be fined not more than \$10,000 if a corporation

SENATE BILL 137

1 or if a natural person be fined not more than \$5,000 or imprisoned for not more than
2 3 years or both. Intent has the meaning expressed under s. 939.23.

3 **SECTION 294.** 641.19 (4) (a) of the statutes, as affected by 1997 Wisconsin Act
4 283, is repealed and recreated to read:

5 641.19 (4) (a) Any person who wilfully violates or fails to comply with any
6 provision of this chapter or the rules promulgated thereunder or who, knowingly,
7 makes a false statement, a false representation of a material fact, or who fails to
8 disclose a material fact in any registration, examination, statement or report
9 required under this chapter or the rules promulgated thereunder, may be fined not
10 more than \$5,000 or imprisoned for not more than 5 years or both.

11 **SECTION 295.** 641.19 (4) (b) of the statutes, as affected by 1997 Wisconsin Act
12 283, is repealed and recreated to read:

13 641.19 (4) (b) Any person who embezzles, steals, or unlawfully and wilfully
14 abstracts or converts to his or her own use or to the use of another, any of the moneys,
15 funds, securities, premiums, credits, property, or other assets of any employe welfare
16 fund, or of any fund connected therewith, shall be fined not more than \$10,000 or
17 imprisoned for not more than 5 years or both.

18 **SECTION 296.** 765.30 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
19 Act 283, is repealed and recreated to read:

20 765.30 (1) (intro.) The following shall be fined not less than \$200 nor more
21 than \$1,000 or imprisoned for not more than one year or both:

22 **SECTION 297.** 765.30 (2) (intro.) of the statutes, as affected by 1997 Wisconsin
23 Act 283, is repealed and recreated to read:

24 765.30 (2) (intro.) The following shall be fined not less than \$100 nor more
25 than \$1,000 or imprisoned for not more than one year or both:

SENATE BILL 137

1 **SECTION 298.** 768.07 of the statutes, as affected by 1997 Wisconsin Act 283, is
2 repealed and recreated to read:

3 **768.07 Penalty.** Any person who violates any provision of this chapter may
4 be fined not less than \$100 nor more than \$1,000 or imprisoned for not more than one
5 year or both.

6 **SECTION 299.** 783.07 of the statutes, as affected by 1997 Wisconsin Act 283, is
7 repealed and recreated to read:

8 **783.07 Fine or imprisonment.** Whenever a peremptory mandamus shall be
9 directed to any public officer, body, board or person, commanding the performance
10 of any duty specially enjoined by law, if it shall appear to the court that such officer
11 or person or any member of such body or board has, without just excuse, refused or
12 neglected to perform the duty so enjoined, the court may impose a fine, not exceeding
13 \$5,000, upon every such officer, person or member of such body or board, or sentence
14 the officer, person or member to imprisonment for not more than 5 years.

15 **SECTION 300.** 801.50 (5) of the statutes is amended to read:

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

20 **SECTION 301.** 807.15 (2) (intro.) of the statutes is amended to read:

21 807.15 (2) (intro.) In any action or special proceeding, including a petition for
22 a common law writ of certiorari, brought by a prisoner, the court may, on its own
23 motion or on the motion of any party, order the department of corrections to extend
24 the prisoner's mandatory release date calculated under s. 302.11 (1) ~~or the prisoner's~~
25 ~~eligibility for release to extended supervision under s. 302.113 (3) (bm) or 302.114 (3)~~

SENATE BILL 137

1 (e) or order the sheriff to deprive the prisoner of good time under s. 302.43 if the court
2 finds that any of the following applies:

3 **SECTION 302.** 807.15 (3) (a) of the statutes is amended to read:

4 807.15 (3) (a) Subject to ~~pars. par.~~ par. (b) and (e), if a court orders the department
5 of corrections to extend a prisoner's mandatory release date ~~or eligibility for release~~
6 ~~to extended supervision~~ or orders the sheriff to deprive the prisoner of good time
7 under sub. (2), the order shall specify the number of days by which the mandatory
8 release date ~~or eligibility for release to extended supervision~~ is to be extended or the
9 good time deprived.

10 **SECTION 303.** 807.15 (3) (c) of the statutes is repealed.

11 **SECTION 304.** 938.183 (3) of the statutes is amended to read:

12 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.
13 (1m) or (2) attains the age of 17 years, the department may place the juvenile in a
14 state prison named in s. 302.01. If a juvenile who is subject to a criminal penalty
15 under sub. (1m) or (2) is 15 years of age or over, the department may transfer the
16 juvenile to the Racine youthful offender correctional facility named in s. 302.01 as
17 provided in s. 938.357 (4) (d). A juvenile who is subject to a criminal penalty under
18 sub. (1m) or (2) ~~for an act committed before December 31, 1999~~, is eligible for parole
19 under s. 304.06.

20 **SECTION 305.** 938.78 (2) (d) 5. of the statutes is amended to read:

21 938.78 (2) (d) 5. On parole under s. 302.11 or ch. 304 ~~or on extended supervision~~
22 ~~under s. 302.113 or 302.114.~~

23 **SECTION 306.** 938.991 (1) of the statutes is amended to read:

24 938.991 (1) ARTICLE I – FINDINGS AND PURPOSES. That juveniles who are not
25 under proper supervision and control, or who have absconded, escaped or run away,

SENATE BILL 137

1 are likely to endanger their own health, morals and welfare, and the health, morals
2 and welfare of others. The cooperation of the states party to this compact is therefore
3 necessary to provide for the welfare and protection of juveniles and of the public with
4 respect to (1) cooperative supervision of delinquent juveniles on probation, ~~extended~~
5 ~~supervision~~ or parole; (2) the return, from one state to another, of delinquent
6 juveniles who have escaped or absconded; (3) the return, from one state to another,
7 of nondelinquent juveniles who have run away from home; and (4) additional
8 measures for the protection of juveniles and of the public, which any 2 or more of the
9 party states may find desirable to undertake cooperatively. In carrying out the
10 provisions of this compact the party states shall be guided by the noncriminal,
11 reformatory and protective policies which guide their laws concerning delinquent,
12 neglected or dependent juveniles generally. It shall be the policy of the states party
13 to this compact to cooperate and observe their respective responsibilities for the
14 prompt return and acceptance of juveniles and delinquent juveniles who become
15 subject to the provisions of this compact. The provisions of this compact shall be
16 reasonably and liberally construed to accomplish the foregoing purposes.

17 **SECTION 307.** 938.991 (3) (c) of the statutes is amended to read:

18 938.991 (3) (c) “Probation, ~~extended supervision~~ or parole” means any kind of
19 conditional release of juveniles authorized under the laws of the states party hereto.

20 **SECTION 308.** 938.991 (5) (a) of the statutes is amended to read:

21 938.991 (5) (a) That the appropriate person or authority from whose probation,
22 ~~extended supervision~~ or parole supervision a delinquent juvenile has absconded or
23 from whose institutional custody the delinquent juvenile has escaped shall present
24 to the appropriate court or to the executive authority of the state where the
25 delinquent juvenile is alleged to be located a written requisition for the return of the

SENATE BILL 137

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

SENATE BILL 137

1 delinquent juvenile. If the judge shall find that the requisition is in order, the judge
2 shall deliver the delinquent juvenile over to the officer whom the appropriate person
3 or authority demanding shall have appointed to receive the delinquent juvenile. The
4 judge, however, may fix a reasonable time to be allowed for the purpose of testing the
5 legality of the proceeding.

6 **SECTION 309.** 938.991 (5) (am) of the statutes is amended to read:

7 938.991 (5) (am) Upon reasonable information that a person is a delinquent
8 juvenile who has absconded while on probation, ~~extended supervision~~ or parole, or
9 escaped from an institution or agency vested with legal custody or supervision of the
10 person in any state party to this compact, the person may be taken into custody in
11 any other state party to this compact without a requisition. In that event, the person
12 must be taken forthwith before a judge of the appropriate court, who may appoint
13 counsel or guardian ad litem for the person and who shall determine, after a hearing,
14 whether sufficient cause exists to hold the person subject to the order of the court for
15 a time, not exceeding 90 days, as will enable the person's detention under a detention
16 order issued on a requisition pursuant to this subsection. If, at the time when a state
17 seeks the return of a delinquent juvenile who has either absconded while on
18 probation, ~~extended supervision~~ or parole or escaped from an institution or agency
19 vested with legal custody or supervision of the delinquent juvenile, there is pending
20 in the state wherein the delinquent juvenile is detained any criminal charge or any
21 proceeding to have the delinquent juvenile adjudicated a delinquent juvenile for an
22 act committed in that state, or if the delinquent juvenile is suspected of having
23 committed within such state a criminal offense or an act of juvenile delinquency, the
24 delinquent juvenile shall not be returned without the consent of that state until
25 discharged from prosecution or other form of proceeding, imprisonment, detention

SENATE BILL 137

1 or supervision for such offense or juvenile delinquency. The duly accredited officers
2 of any state party to this compact, upon the establishment of the officers' authority
3 and the identity of the delinquent juvenile being returned, shall be permitted to
4 transport the delinquent juvenile through any and all states party to this compact,
5 without interference. Upon the return of the delinquent juvenile to the state from
6 which the delinquent juvenile escaped or absconded, the delinquent juvenile shall
7 be subject to such further proceedings as may be appropriate under the laws of that
8 state.

9 **SECTION 310.** 938.991 (6) of the statutes is amended to read:

10 938.991 (6) ARTICLE VI – VOLUNTARY RETURN PROCEDURE. That any delinquent
11 juvenile who has absconded while on probation, ~~extended supervision~~ or parole, or
12 escaped from an institution or agency vested with legal custody or supervision of the
13 delinquent juvenile in any state party to this compact, and any juvenile who has run
14 away from any state party to this compact, who is taken into custody without a
15 requisition in another state party to this compact under sub. (4) (a) or (5) (a), may
16 consent to his or her immediate return to the state from which the juvenile or
17 delinquent juvenile absconded, escaped or ran away. Consent shall be given by the
18 juvenile or delinquent juvenile and his or her counsel or guardian ad litem, if any,
19 by executing or subscribing a writing, in the presence of a judge of the appropriate
20 court, which states that the juvenile or delinquent juvenile and his or her counsel or
21 guardian ad litem, if any, consent to the return of the juvenile or delinquent juvenile
22 to the demanding state. Before the consent shall be executed or subscribed, however,
23 the judge, in the presence of counsel or guardian ad litem, if any, shall inform the
24 juvenile or delinquent juvenile of his or her rights under this compact. When the
25 consent has been duly executed, it shall be forwarded to and filed with the compact

SENATE BILL 137

1 administrator of the state in which the court is located and the judge shall direct the
2 officer having the juvenile or delinquent juvenile in custody to deliver the juvenile
3 or delinquent juvenile to the duly accredited officer or officers of the state demanding
4 the return of the juvenile or delinquent juvenile, and shall cause to be delivered to
5 the officer or officers a copy of the consent. The court may, however, upon the request
6 of the state to which the juvenile or delinquent juvenile is being returned, order the
7 juvenile or delinquent juvenile to return unaccompanied to that state and shall
8 provide the juvenile or delinquent juvenile with a copy of the court order; in that
9 event a copy of the consent shall be forwarded to the compact administrator of the
10 state to which the juvenile or delinquent juvenile is ordered to return.

11 **SECTION 311.** 938.991 (7) (title) of the statutes is amended to read:

12 938.991 (7) (title) ARTICLE VII – COOPERATIVE SUPERVISION OF PROBATIONERS;
13 ~~PERSONS ON EXTENDED SUPERVISION AND PAROLEES.~~

14 **SECTION 312.** 938.991 (7) (a) of the statutes is amended to read:

15 938.991 (7) (a) That the duly constituted judicial and administrative
16 authorities of a state party to this compact (herein called “sending state”) may permit
17 any delinquent juvenile within such state, placed on probation, ~~extended supervision~~
18 or parole, to reside in any other state party to this compact (herein called “receiving
19 state”) while on probation, ~~extended supervision~~ or parole, and the receiving state
20 shall accept such delinquent juvenile, if the parent, guardian or person entitled to
21 the legal custody of such delinquent juvenile is residing or undertakes to reside
22 within the receiving state. Before granting such permission, opportunity shall be
23 given to the receiving state to make such investigations as it deems necessary. The
24 authorities of the sending state shall send to the authorities of the receiving state
25 copies of pertinent court orders, social case studies and all other available

SENATE BILL 137

1 information which may be of value to and assist the receiving state in supervising
2 a probationer, or parolee ~~or person under extended supervision~~ under this compact.
3 A receiving state, in its discretion, may agree to accept supervision of a probationer,
4 or parolee ~~or person under extended supervision~~ in cases where the parent, guardian
5 or person entitled to legal custody of the delinquent juvenile is not a resident of the
6 receiving state, and if so accepted the sending state may transfer supervision
7 accordingly.

8 **SECTION 313.** 938.991 (7) (b) of the statutes is amended to read:

9 938.991 (7) (b) That each receiving state will assume the duties of visitation
10 and of supervision over any such delinquent juvenile and in the exercise of those
11 duties will be governed by the same standards of visitation and supervision that
12 prevail for its own delinquent juveniles released on probation, ~~extended supervision~~
13 or parole.

14 **SECTION 314.** 938.991 (7) (c) of the statutes is amended to read:

15 938.991 (7) (c) That, after consultation between the appropriate authorities of
16 the sending state and of the receiving state as to the desirability and necessity of
17 returning such a delinquent juvenile, the duly accredited officers of a sending state
18 may enter a receiving state and there apprehend and retake any such delinquent
19 juvenile on probation, ~~extended supervision~~ or parole. For that purpose, no
20 formalities will be required, other than establishing the authority of the officer and
21 the identity of the delinquent juvenile to be retaken and returned. The decision of
22 the sending state to retake a delinquent juvenile on probation, ~~extended supervision~~
23 or parole shall be conclusive upon and not reviewable within the receiving state, but
24 if, at the time the sending state seeks to retake a delinquent juvenile on probation,
25 ~~extended supervision~~ or parole, there is pending against the delinquent juvenile

SENATE BILL 137

1 within the receiving state any criminal charge or any proceeding to have the
2 delinquent juvenile adjudicated a delinquent juvenile for any act committed in that
3 state, or if the delinquent juvenile is suspected of having committed within that state
4 a criminal offense or an act of juvenile delinquency, the delinquent juvenile shall not
5 be returned without the consent of the receiving state until discharged from
6 prosecution or other form of proceeding, imprisonment, detention or supervision for
7 such offense or juvenile delinquency. The duly accredited officers of the sending state
8 shall be permitted to transport delinquent juveniles being so returned through any
9 and all states party to this compact, without interference.

10 **SECTION 315.** 938.991 (14) of the statutes is amended to read:

11 938.991 (14) ARTICLE XIV – RENUNCIATION. That this compact shall continue in
12 force and remain binding upon each executing state until renounced by it.
13 Renunciation of this compact shall be by the same authority which executed it, by
14 sending 6 months notice in writing of its intention to withdraw from the compact to
15 the other states party hereto. The duties and obligations of a renouncing state under
16 sub. (7) shall continue as to parolees, or probationers ~~and persons on extended~~
17 ~~supervision~~ residing therein at the time of withdrawal until retaken or finally
18 discharged. Supplementary agreements entered into under sub. (10) shall be subject
19 to renunciation as provided by such supplementary agreements, and shall not be
20 subject to the 6 months' renunciation notice of the present Article.

21 **SECTION 316.** 938.993 (2) of the statutes is amended to read:

22 938.993 (2) The compact administrator shall determine for this state whether
23 to receive juvenile probationers, and parolees ~~and persons on extended supervision~~
24 of other states under s. 938.991 (7) and shall arrange for the supervision of each such
25 probationer, or parolee ~~or person on extended supervision~~ received, either by the

SENATE BILL 137

1 department or by a person appointed to perform supervision service for the court
2 assigned to exercise jurisdiction under this chapter and ch. 48 for the county where
3 the juvenile is to reside, whichever is more convenient. Those persons shall in all
4 such cases make periodic reports to the compact administrator regarding the conduct
5 and progress of the juveniles.

6 **SECTION 317.** 939.50 (3) (b) of the statutes, as affected by 1997 Wisconsin Act
7 283, is repealed and recreated to read:

8 939.50 (3) (b) For a Class B felony, imprisonment not to exceed 40 years.

9 **SECTION 318.** 939.50 (3) (bc) of the statutes, as affected by 1997 Wisconsin Act
10 283, is repealed and recreated to read:

11 939.50 (3) (bc) For a Class BC felony, a fine not to exceed \$10,000 or
12 imprisonment not to exceed 20 years, or both.

13 **SECTION 319.** 939.50 (3) (c) of the statutes, as affected by 1997 Wisconsin Act
14 283, is repealed and recreated to read:

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

17 **SECTION 320.** 939.50 (3) (d) of the statutes, as affected by 1997 Wisconsin Act
18 283, is repealed and recreated to read:

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

21 **SECTION 321.** 939.50 (3) (e) of the statutes, as affected by 1997 Wisconsin Act
22 283, is repealed and recreated to read:

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

SENATE BILL 137

1 **SECTION 322.** 939.615 (3) (b) of the statutes, as affected by 1997 Wisconsin Act
2 275, is repealed and recreated to read:

3 939.615 **(3)** (b) If the person is sentenced to prison for the serious sex offense,
4 upon his or her discharge from parole.

5 **SECTION 323.** 939.62 (2m) (c) of the statutes is amended to read:

6 939.62 **(2m)** (c) If the actor is a persistent repeater, the term of imprisonment
7 for the felony for which the persistent repeater presently is being sentenced under
8 ch. 973 is life imprisonment without the possibility of parole ~~or extended supervision.~~

9 **SECTION 324.** 940.20 (2m) (title) of the statutes is amended to read:

10 940.20 **(2m)** (title) BATTERY TO PROBATION, ~~EXTENDED SUPERVISION AND PAROLE~~
11 AGENTS AND AFTERCARE AGENTS.

12 **SECTION 325.** 940.20 (2m) (a) 2. of the statutes is amended to read:

13 940.20 **(2m)** (a) 2. “Probation, ~~extended supervision and parole agent~~” means
14 any person authorized by the department of corrections to exercise control over a
15 probationer, or parolee ~~or person on extended supervision.~~

16 **SECTION 326.** 940.20 (2m) (b) of the statutes is amended to read:

17 940.20 **(2m)** (b) Whoever intentionally causes bodily harm to a probation,
18 ~~extended supervision~~ and parole agent or an aftercare agent, acting in an official
19 capacity and the person knows or has reason to know that the victim is a probation,
20 ~~extended supervision~~ and parole agent or an aftercare agent, by an act done without
21 the consent of the person so injured, is guilty of a Class D felony.

22 **SECTION 327.** 942.06 (2m) (a) of the statutes is amended to read:

23 942.06 **(2m)** (a) An employe or agent of the department of corrections who
24 conducts a lie detector test of a probationer, or parolee ~~or person on extended~~
25 ~~supervision~~ under the rules promulgated under s. 301.132.

SENATE BILL 137

1 **SECTION 328.** 942.06 (2q) (a) (intro.) of the statutes is amended to read:

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

6 **SECTION 329.** 946.42 (1) (a) of the statutes is amended to read:

7 946.42 **(1)** (a) “Custody” includes without limitation actual custody of an
8 institution, including a secured correctional facility, as defined in s. 938.02 (15m), a
9 secured child caring institution, as defined in s. 938.02 (15g), a secure detention
10 facility, as defined in s. 938.02 (16), a Type 2 child caring institution, as defined in
11 s. 938.02 (19r), or a juvenile portion of a county jail, or of a peace officer or institution
12 guard and constructive custody of prisoners and juveniles subject to an order under
13 s. 48.366, 938.183, 938.34 (4d), (4h) or (4m) or 938.357 (4) or (5) (e) temporarily
14 outside the institution whether for the purpose of work, school, medical care, a leave
15 granted under s. 303.068, a temporary leave or furlough granted to a juvenile or
16 otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the
17 county to which the prisoner was transferred after conviction. It does not include the
18 custody of a probationer, or parolee ~~or person on extended supervision~~ by the
19 department of corrections or a probation, ~~extended supervision~~ or parole officer or
20 the custody of a person who has been released to aftercare supervision under ch. 938
21 unless the person is in actual custody or is subject to a confinement order under s.
22 973.09 (4).

23 **SECTION 330.** 946.46 of the statutes is amended to read:

24 **946.46** (title) **Encouraging violation of probation, ~~extended~~**
25 **supervision or parole.** Whoever intentionally aids or encourages a parolee, or

SENATE BILL 137

1 probationer ~~or person on extended supervision~~ or any person committed to the
2 custody or supervision of the department of corrections or a county department
3 under s. 46.215, 46.22 or 46.23 by reason of crime or delinquency to abscond or violate
4 a term or condition of parole, ~~extended supervision~~ or probation is guilty of a Class A
5 misdemeanor.

6 **SECTION 331.** 946.85 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
7 is repealed and recreated to read:

8 946.85 (1) Any person who engages in a continuing criminal enterprise shall
9 be imprisoned for not less than 10 years nor more than 20 years, and fined not more
10 than \$10,000 or as provided in s. 946.84 (2). If the court imposes a sentence less than
11 the presumptive minimum sentence, it shall place its reasons for doing so on the
12 record.

13 **SECTION 332.** 950.04 (1v) (v) of the statutes is amended to read:

14 950.04 (1v) (v) To have the department of corrections make a reasonable
15 attempt to notify the victim under s. 301.046 (4) regarding community residential
16 confinements, under s. 301.048 (4m) regarding participation in the intensive
17 sanctions program, under s. 301.38 regarding escapes from a Type 1 prison, under
18 s. 301.46 (3) regarding persons registered under s. 301.45, under s. 302.115
19 regarding release upon expiration of certain sentences, under s. 304.063 regarding
20 ~~extended supervision and parole releases~~, and under s. 938.51 regarding release or
21 escape of a juvenile from correctional custody.

22 **SECTION 333.** 950.04 (1v) (vm) of the statutes is repealed.

23 **SECTION 334.** 961.41 (1) (a) of the statutes, as affected by 1997 Wisconsin Act
24 283, is repealed and recreated to read:

SENATE BILL 137

1 961.41 (1) (a) Except as provided in par. (d), a controlled substance included
2 in schedule I or II that is a narcotic drug, or a controlled substance analog of a
3 controlled substance included in schedule I or II that is a narcotic drug, may be fined
4 not more than \$25,000 or imprisoned for not more than 15 years or both.

5 **SECTION 335.** 961.41 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
6 283, is repealed and recreated to read:

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

11 **SECTION 336.** 961.41 (1) (cm) 1. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is repealed and recreated to read:

13 961.41 (1) (cm) 1. Five grams or less, the person shall be fined not more than
14 \$500,000 and may be imprisoned for not more than 10 years.

15 **SECTION 337.** 961.41 (1) (cm) 2. of the statutes, as affected by 1997 Wisconsin
16 Act 283, is repealed and recreated to read:

17 961.41 (1) (cm) 2. More than 5 grams but not more than 15 grams, the person
18 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
19 year nor more than 15 years.

20 **SECTION 338.** 961.41 (1) (cm) 3. of the statutes, as affected by 1997 Wisconsin
21 Act 283, is repealed and recreated to read:

22 961.41 (1) (cm) 3. More than 15 grams but not more than 40 grams, the person
23 shall be fined not more than \$500,000 and shall be imprisoned for not less than 3
24 years nor more than 20 years.

SENATE BILL 137

1 **SECTION 339.** 961.41 (1) (cm) 4. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is repealed and recreated to read:

3 961.41 (1) (cm) 4. More than 40 grams but not more than 100 grams, the person
4 shall be fined not more than \$500,000 and shall be imprisoned for not less than 5
5 years nor more than 30 years.

6 **SECTION 340.** 961.41 (1) (cm) 5. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is repealed and recreated to read:

8 961.41 (1) (cm) 5. More than 100 grams, the person shall be fined not more than
9 \$500,000 and shall be imprisoned for not less than 10 years nor more than 30 years.

10 **SECTION 341.** 961.41 (1) (d) 1. of the statutes, as affected by 1997 Wisconsin Act
11 283, is repealed and recreated to read:

12 961.41 (1) (d) 1. Three grams or less, the person shall be fined not less than
13 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 15 years.

14 **SECTION 342.** 961.41 (1) (d) 2. of the statutes, as affected by 1997 Wisconsin Act
15 283, is repealed and recreated to read:

16 961.41 (1) (d) 2. More than 3 grams but not more than 10 grams, the person
17 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
18 for not less than 6 months nor more than 15 years.

19 **SECTION 343.** 961.41 (1) (d) 3. of the statutes, as affected by 1997 Wisconsin Act
20 283, is repealed and recreated to read:

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

24 **SECTION 344.** 961.41 (1) (d) 4. of the statutes, as affected by 1997 Wisconsin Act
25 283, is repealed and recreated to read:

SENATE BILL 137

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

4 **SECTION 345.** 961.41 (1) (d) 5. of the statutes, as affected by 1997 Wisconsin Act
5 283, is repealed and recreated to read:

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

9 **SECTION 346.** 961.41 (1) (d) 6. of the statutes, as affected by 1997 Wisconsin Act
10 283, is repealed and recreated to read:

11 961.41 (1) (d) 6. More than 400 grams, the person shall be fined not less than
12 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years
13 nor more than 30 years.

14 **SECTION 347.** 961.41 (1) (e) 1. of the statutes, as affected by 1997 Wisconsin Act
15 283, is repealed and recreated to read:

16 961.41 (1) (e) 1. Three grams or less, the person shall be fined not less than
17 \$1,000 nor more than \$200,000 and may be imprisoned for not more than 5 years.

18 **SECTION 348.** 961.41 (1) (e) 2. of the statutes, as affected by 1997 Wisconsin Act
19 283, is repealed and recreated to read:

20 961.41 (1) (e) 2. More than 3 grams but not more than 10 grams, the person
21 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
22 for not less than 6 months nor more than 5 years.

23 **SECTION 349.** 961.41 (1) (e) 3. of the statutes, as affected by 1997 Wisconsin Act
24 283, is repealed and recreated to read:

SENATE BILL 137

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

4 **SECTION 350.** 961.41 (1) (e) 4. of the statutes, as affected by 1997 Wisconsin Act
5 283, is repealed and recreated to read:

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

9 **SECTION 351.** 961.41 (1) (e) 5. of the statutes, as affected by 1997 Wisconsin Act
10 283, is repealed and recreated to read:

11 961.41 (1) (e) 5. More than 200 grams but not more than 400 grams, the person
12 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
13 for not less than 5 years nor more than 15 years.

14 **SECTION 352.** 961.41 (1) (e) 6. of the statutes, as affected by 1997 Wisconsin Act
15 283, is repealed and recreated to read:

16 961.41 (1) (e) 6. More than 400 grams, the person shall be fined not less than
17 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years
18 nor more than 30 years.

19 **SECTION 353.** 961.41 (1) (f) 1. of the statutes, as affected by 1997 Wisconsin Act
20 283, is repealed and recreated to read:

21 961.41 (1) (f) 1. One gram or less, the person shall be fined not less than \$1,000
22 nor more than \$200,000 and may be imprisoned for not more than 5 years.

23 **SECTION 354.** 961.41 (1) (f) 2. of the statutes, as affected by 1997 Wisconsin Act
24 283, is repealed and recreated to read:

SENATE BILL 137

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

4 **SECTION 355.** 961.41 (1) (f) 3. of the statutes, as affected by 1997 Wisconsin Act
5 283, is repealed and recreated to read:

6 961.41 (1) (f) 3. More than 5 grams, the person shall be fined not less than
7 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
8 nor more than 15 years.

9 **SECTION 356.** 961.41 (1) (g) 1. of the statutes, as affected by 1997 Wisconsin Act
10 283, is repealed and recreated to read:

11 961.41 (1) (g) 1. One hundred grams or less, the person shall be fined not less
12 than \$1,000 nor more than \$200,000 and may be imprisoned for not more than 5
13 years.

14 **SECTION 357.** 961.41 (1) (g) 2. of the statutes, as affected by 1997 Wisconsin Act
15 283, is repealed and recreated to read:

16 961.41 (1) (g) 2. More than 100 grams but not more than 500 grams, the person
17 shall be fined not less than \$1,000 nor more than \$250,000 and shall be imprisoned
18 for not less than 6 months nor more than 5 years.

19 **SECTION 358.** 961.41 (1) (g) 3. of the statutes, as affected by 1997 Wisconsin Act
20 283, is repealed and recreated to read:

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

24 **SECTION 359.** 961.41 (1) (h) 1. of the statutes, as affected by 1997 Wisconsin Act
25 283, is repealed and recreated to read:

SENATE BILL 137

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

4 **SECTION 360.** 961.41 (1) (h) 2. of the statutes, as affected by 1997 Wisconsin Act
5 283, is repealed and recreated to read:

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

11 **SECTION 361.** 961.41 (1) (h) 3. of the statutes, as affected by 1997 Wisconsin Act
12 283, is repealed and recreated to read:

13 961.41 (1) (h) 3. More than 2,500 grams, or more than 50 plants containing
14 tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than
15 \$100,000 and shall be imprisoned for not less than one year nor more than 10 years.

16 **SECTION 362.** 961.41 (1) (i) of the statutes, as affected by 1997 Wisconsin Act
17 283, is repealed and recreated to read:

18 961.41 (1) (i) A substance included in schedule IV, may be fined not more than
19 \$10,000 or imprisoned for not more than 3 years or both.

20 **SECTION 363.** 961.41 (1) (j) of the statutes, as affected by 1997 Wisconsin Act
21 283, is repealed and recreated to read:

22 961.41 (1) (j) A substance included in schedule V, may be fined not more than
23 \$5,000 or imprisoned for not more than one year or both.

24 **SECTION 364.** 961.41 (1m) (a) of the statutes, as affected by 1997 Wisconsin Act
25 283, is repealed and recreated to read:

SENATE BILL 137

1 961.41 **(1m)** (a) Except as provided in par. (d), a controlled substance included
2 in schedule I or II which is a narcotic drug or a controlled substance analog of a
3 controlled substance included in schedule I or II which is a narcotic drug, may be
4 fined not more than \$25,000 or imprisoned for not more than 15 years or both.

5 **SECTION 365.** 961.41 (1m) (b) of the statutes, as affected by 1997 Wisconsin Act
6 283, is repealed and recreated to read:

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

11 **SECTION 366.** 961.41 (1m) (cm) 1. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is repealed and recreated to read:

13 961.41 **(1m)** (cm) 1. Five grams or less, the person shall be fined not more than
14 \$500,000 and may be imprisoned for not more than 10 years.

15 **SECTION 367.** 961.41 (1m) (cm) 2. of the statutes, as affected by 1997 Wisconsin
16 Act 283, is repealed and recreated to read:

17 961.41 **(1m)** (cm) 2. More than 5 grams but not more than 15 grams, the person
18 shall be fined not more than \$500,000 and shall be imprisoned for not less than one
19 year nor more than 15 years.

20 **SECTION 368.** 961.41 (1m) (cm) 3. of the statutes, as affected by 1997 Wisconsin
21 Act 283, is repealed and recreated to read:

22 961.41 **(1m)** (cm) 3. More than 15 grams but not more than 40 grams, the
23 person shall be fined not more than \$500,000 and shall be imprisoned for not less
24 than 3 years nor more than 20 years.

SENATE BILL 137

1 **SECTION 369.** 961.41 (1m) (cm) 4. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is repealed and recreated to read:

3 961.41 **(1m)** (cm) 4. More than 40 grams but not more than 100 grams, the
4 person shall be fined not more than \$500,000 and shall be imprisoned for not less
5 than 5 years nor more than 30 years.

6 **SECTION 370.** 961.41 (1m) (cm) 5. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is repealed and recreated to read:

8 961.41 **(1m)** (cm) 5. More than 100 grams, the person shall be fined not more
9 than \$500,000 and shall be imprisoned for not less than 10 years nor more than 30
10 years.

11 **SECTION 371.** 961.41 (1m) (d) 1. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is repealed and recreated to read:

13 961.41 **(1m)** (d) 1. Three grams or less, the person shall be fined not less than
14 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 15 years.

15 **SECTION 372.** 961.41 (1m) (d) 2. of the statutes, as affected by 1997 Wisconsin
16 Act 283, is repealed and recreated to read:

17 961.41 **(1m)** (d) 2. More than 3 grams but not more than 10 grams, the person
18 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
19 for not less than 6 months nor more than 15 years.

20 **SECTION 373.** 961.41 (1m) (d) 3. of the statutes, as affected by 1997 Wisconsin
21 Act 283, is repealed and recreated to read:

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

SENATE BILL 137

1 **SECTION 374.** 961.41 (1m) (d) 4. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is repealed and recreated to read:

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

6 **SECTION 375.** 961.41 (1m) (d) 5. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is repealed and recreated to read:

8 961.41 **(1m)** (d) 5. More than 200 grams but not more than 400 grams, the
9 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be
10 imprisoned for not less than 5 years nor more than 15 years.

11 **SECTION 376.** 961.41 (1m) (d) 6. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is repealed and recreated to read:

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

16 **SECTION 377.** 961.41 (1m) (e) 1. of the statutes, as affected by 1997 Wisconsin
17 Act 283, is repealed and recreated to read:

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

20 **SECTION 378.** 961.41 (1m) (e) 2. of the statutes, as affected by 1997 Wisconsin
21 Act 283, is repealed and recreated to read:

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

SENATE BILL 137

1 **SECTION 379.** 961.41 (1m) (e) 3. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is repealed and recreated to read:

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

6 **SECTION 380.** 961.41 (1m) (e) 4. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is repealed and recreated to read:

8 961.41 **(1m)** (e) 4. More than 50 grams but not more than 200 grams, the person
9 shall be fined not less than \$1,000 nor more than \$500,000 and shall be imprisoned
10 for not less than 3 years nor more than 15 years.

11 **SECTION 381.** 961.41 (1m) (e) 5. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is repealed and recreated to read:

13 961.41 **(1m)** (e) 5. More than 200 grams but not more than 400 grams, the
14 person shall be fined not less than \$1,000 nor more than \$500,000 and shall be
15 imprisoned for not less than 5 years nor more than 15 years.

16 **SECTION 382.** 961.41 (1m) (e) 6. of the statutes, as affected by 1997 Wisconsin
17 Act 283, is repealed and recreated to read:

18 961.41 **(1m)** (e) 6. More than 400 grams, the person shall be fined not less than
19 \$1,000 nor more than \$1,000,000 and shall be imprisoned for not less than 10 years
20 nor more than 30 years.

21 **SECTION 383.** 961.41 (1m) (f) 1. of the statutes, as affected by 1997 Wisconsin
22 Act 283, is repealed and recreated to read:

23 961.41 **(1m)** (f) 1. One gram or less, the person shall be fined not less than
24 \$1,000 nor more than \$100,000 and may be imprisoned for not more than 5 years.

SENATE BILL 137

1 **SECTION 384.** 961.41 (1m) (f) 2. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is repealed and recreated to read:

3 961.41 **(1m)** (f) 2. More than one gram but not more than 5 grams, the person
4 shall be fined not less than \$1,000 nor more than \$200,000 and shall be imprisoned
5 for not less than 6 months nor more than 5 years.

6 **SECTION 385.** 961.41 (1m) (f) 3. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is repealed and recreated to read:

8 961.41 **(1m)** (f) 3. More than 5 grams, the person shall be fined not less than
9 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
10 nor more than 15 years.

11 **SECTION 386.** 961.41 (1m) (g) 1. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is repealed and recreated to read:

13 961.41 **(1m)** (g) 1. One hundred grams or less, the person shall be fined not less
14 than \$1,000 nor more than \$100,000 and may be imprisoned for not more than 5
15 years.

16 **SECTION 387.** 961.41 (1m) (g) 2. of the statutes, as affected by 1997 Wisconsin
17 Act 283, is repealed and recreated to read:

18 961.41 **(1m)** (g) 2. More than 100 grams but not more than 500 grams, the
19 person shall be fined not less than \$1,000 nor more than \$200,000 and shall be
20 imprisoned for not less than 6 months nor more than 5 years.

21 **SECTION 388.** 961.41 (1m) (g) 3. of the statutes, as affected by 1997 Wisconsin
22 Act 283, is repealed and recreated to read:

23 961.41 **(1m)** (g) 3. More than 500 grams, the person shall be fined not less than
24 \$1,000 nor more than \$500,000 and shall be imprisoned for not less than one year
25 nor more than 15 years.

SENATE BILL 137

1 **SECTION 389.** 961.41 (1m) (h) 1. of the statutes, as affected by 1997 Wisconsin
2 Act 283, is repealed and recreated to read:

3 961.41 **(1m)** (h) 1. Five hundred grams or less, or 10 or fewer plants containing
4 tetrahydrocannabinols, the person shall be fined not less than \$500 nor more than
5 \$25,000 and may be imprisoned for not more than 3 years.

6 **SECTION 390.** 961.41 (1m) (h) 2. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is repealed and recreated to read:

8 961.41 **(1m)** (h) 2. More than 500 grams but not more than 2,500 grams, or more
9 than 10 plants containing tetrahydrocannabinols but not more than 50 plants
10 containing tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor
11 more than \$50,000 and shall be imprisoned for not less than 3 months nor more than
12 5 years.

13 **SECTION 391.** 961.41 (1m) (h) 3. of the statutes, as affected by 1997 Wisconsin
14 Act 283, is repealed and recreated to read:

15 961.41 **(1m)** (h) 3. More than 2,500 grams, or more than 50 plants containing
16 tetrahydrocannabinols, the person shall be fined not less than \$1,000 nor more than
17 \$100,000 and shall be imprisoned for not less than one year nor more than 10 years.

18 **SECTION 392.** 961.41 (1m) (i) of the statutes, as affected by 1997 Wisconsin Act
19 283, is repealed and recreated to read:

20 961.41 **(1m)** (i) A substance included in schedule IV, may be fined not more than
21 \$10,000 or imprisoned for not more than 3 years or both.

22 **SECTION 393.** 961.41 (1m) (j) of the statutes, as affected by 1997 Wisconsin Act
23 283, is repealed and recreated to read:

24 961.41 **(1m)** (j) A substance included in schedule V, may be fined not more than
25 \$5,000 or imprisoned for not more than one year or both.

SENATE BILL 137

1 **SECTION 394.** 961.41 (1n) (c) of the statutes, as affected by 1997 Wisconsin Act
2 283, is repealed and recreated to read:

3 961.41 (1n) (c) A person who violates par. (a) or (b) may be fined not more than
4 \$250,000 or imprisoned for not more than 10 years or both.

5 **SECTION 395.** 961.41 (2) (a) of the statutes, as affected by 1997 Wisconsin Act
6 283, is repealed and recreated to read:

7 961.41 (2) (a) A counterfeit substance included in schedule I or II which is a
8 narcotic drug, may be fined not more than \$25,000 or imprisoned for not more than
9 15 years or both.

10 **SECTION 396.** 961.41 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
11 283, is repealed and recreated to read:

12 961.41 (2) (b) Any other counterfeit substance included in schedule I, II or III,
13 may be fined not more than \$15,000 or imprisoned for not more than 5 years or both.

14 **SECTION 397.** 961.41 (2) (c) of the statutes, as affected by 1997 Wisconsin Act
15 283, is repealed and recreated to read:

16 961.41 (2) (c) A counterfeit substance included in schedule IV, may be fined not
17 more than \$10,000 or imprisoned for not more than 3 years or both.

18 **SECTION 398.** 961.41 (2) (d) of the statutes, as affected by 1997 Wisconsin Act
19 283, is repealed and recreated to read:

20 961.41 (2) (d) A counterfeit substance included in schedule V, may be fined not
21 more than \$5,000 or imprisoned for not more than one year or both.

22 **SECTION 399.** 961.41 (3g) (a) 1. of the statutes, as affected by 1997 Wisconsin
23 Act 283, is repealed and recreated to read:

24 961.41 (3g) (a) 1. Except as provided in subd. 2., if the person possesses a
25 controlled substance included in schedule I or II which is a narcotic drug or possesses

SENATE BILL 137

1 a controlled substance analog of a controlled substance included in schedule I or II
2 which is a narcotic drug, the person may, upon a first conviction, be fined not more
3 than \$5,000 or imprisoned for not more than one year or both, and for a 2nd or
4 subsequent offense, the person may be fined not more than \$10,000 or imprisoned
5 for not more than 2 years or both.

6 **SECTION 400.** 961.41 (3g) (a) 2. of the statutes, as affected by 1997 Wisconsin
7 Act 283, is repealed and recreated to read:

8 961.41 **(3g)** (a) 2. If the person possesses or attempts to possess heroin or a
9 controlled substance analog of heroin, the person may be fined not more than \$5,000
10 or imprisoned for not more than one year or both.

11 **SECTION 401.** 961.41 (4) (am) 3. of the statutes, as affected by 1997 Wisconsin
12 Act 283, is repealed and recreated to read:

13 961.41 **(4)** (am) 3. A person convicted of violating this paragraph may be fined
14 not more than \$5,000 or imprisoned for not more than one year or both.

15 **SECTION 402.** 961.42 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
16 is repealed and recreated to read:

17 961.42 **(2)** Any person who violates this section may be fined not more than
18 \$25,000 or imprisoned not more than one year or both.

19 **SECTION 403.** 961.43 (2) of the statutes, as affected by 1997 Wisconsin Act 283,
20 is repealed and recreated to read:

21 961.43 **(2)** Any person who violates this section may be fined not more than
22 \$30,000 or imprisoned not more than 4 years or both.

23 **SECTION 404.** 961.455 (1) of the statutes, as affected by 1997 Wisconsin Act 283,
24 is repealed and recreated to read:

SENATE BILL 137

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

5 **SECTION 405.** 961.49 (2) (am) of the statutes is amended to read:

6 961.49 (2) (am) The court shall sentence a person to whom par. (a) applies to
7 at least 3 years in prison, but otherwise the penalties for the crime apply. Except as
8 provided in s. 961.438, the court shall not place the person on probation. ~~Except as~~
9 ~~provided in s. 973.01 (6), the~~ The person is not eligible for parole until he or she has
10 served at least 3 years, with no modification by the calculation under s. 302.11 (1).

11 **SECTION 406.** 961.49 (2) (b) of the statutes is amended to read:

12 961.49 (2) (b) If the conduct described in par. (a) involves only the delivery or
13 distribution, or the possession with intent to deliver or distribute, of not more than
14 25 grams of tetrahydrocannabinols, included in s. 961.14 (4) (t), or not more than 5
15 plants containing tetrahydrocannabinols, the court shall sentence the person to at
16 least one year in prison, but otherwise the penalties for the crime apply. Except as
17 provided in s. 961.438, the court shall not place the person on probation. ~~Except as~~
18 ~~provided in s. 973.01 (6), the~~ The person is not eligible for parole until he or she has
19 served at least one year, with no modification by the calculation under s. 302.11 (1).

20 **SECTION 407.** 968.31 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
21 Act 283, is repealed and recreated to read:

22 968.31 (1) (intro.) Except as otherwise specifically provided in ss. 196.63 or
23 968.28 to 968.30, whoever commits any of the acts enumerated in this section may
24 be fined not more than \$10,000 or imprisoned for not more than 5 years or both:

SENATE BILL 137

1 **SECTION 408.** 968.34 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
2 is repealed and recreated to read:

3 968.34 (3) Whoever knowingly violates sub. (1) shall be fined not more than
4 \$10,000 or imprisoned for not more than one year or both.

5 **SECTION 409.** 968.43 (3) of the statutes, as affected by 1997 Wisconsin Act 283,
6 is repealed and recreated to read:

7 968.43 (3) Any person who violates an oath or affirmation required by sub. (2)
8 may be imprisoned for not more than 5 years.

9 **SECTION 410.** 969.01 (4) of the statutes is amended to read:

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

SENATE BILL 137

1 condition of release or was a fugitive from justice at the time of arrest, and the policy
2 against unnecessary detention of the defendant's pending trial.

3 **SECTION 411.** 971.11 (1) of the statutes is amended to read:

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

14 **SECTION 412.** 972.13 (6) of the statutes is amended to read:

15 972.13 (6) The following forms may be used for judgments:

16 STATE OF WISCONSIN

17 County

18 In.... Court

19 The State of Wisconsin

20 vs.

21(Name of defendant)

22 UPON ALL THE FILES, RECORDS AND PROCEEDINGS,

23 IT IS ADJUDGED That the defendant has been convicted upon the defendant's
24 plea of guilty (not guilty and a verdict of guilty) (not guilty and a finding of guilty)
25 (no contest) on the.... day of...., (year), of the crime of... in violation of s.....; and

SENATE BILL 137

1 the court having asked the defendant whether the defendant has anything to state
2 why sentence should not be pronounced, and no sufficient grounds to the contrary
3 being shown or appearing to the court.

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

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

7 ~~*IT IS ADJUDGED That the defendant is ordered to serve a bifurcated~~
8 ~~sentence consisting of year(s) of confinement in prison and months/years of~~
9 ~~extended supervision.~~

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

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

16 *IT IS ADJUDGED That the defendant is placed on lifetime supervision by the
17 department of corrections under section 939.615 of the Wisconsin Statutes.

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

20 *IT IS ADJUDGED That the defendant pay restitution to....

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

23 *The.... at.... is designated as the Reception Center to which the defendant shall
24 be delivered by the sheriff.

SENATE BILL 137

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

3 Dated this.... day of...., (year)

4 BY THE COURT....

5 Date of Offense.....,

6 District Attorney.....,

7 Defense Attorney....

8 *Strike inapplicable paragraphs.

9 STATE OF WISCONSIN

10 County

11 In.... Court

12 The State of Wisconsin

13 vs.

14 (Name of defendant)

15 On the.... day of...., (year), the district attorney appeared for the state and
16 the defendant appeared in person and by... the defendant's attorney.

17 UPON ALL THE FILES, RECORDS AND PROCEEDINGS

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

20 Dated this.... day of...., (year)

21 BY THE COURT....

22 **SECTION 413.** 972.15 (2c) of the statutes is repealed.

23 **SECTION 414.** 972.15 (5) (intro.) of the statutes is amended to read:

24 972.15 (5) (intro.) The department may use the presentence investigation
25 report for correctional programming, parole consideration or care and treatment of

SENATE BILL 137

1 any person sentenced to imprisonment or the intensive sanctions program, placed
2 on probation, released on parole ~~or extended supervision~~ or committed to the
3 department under ch. 51 or 971 or any other person in the custody of the department
4 or for research purposes. The department may make the report available to other
5 agencies or persons to use for purposes related to correctional programming, parole
6 consideration, care and treatment, or research. Any use of the report under this
7 subsection is subject to the following conditions:

8 **SECTION 415.** 973.01 of the statutes is repealed.

9 **SECTION 416.** 973.013 (1) (b) of the statutes is amended to read:

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

18 **SECTION 417.** 973.013 (2) of the statutes is amended to read:

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

SENATE BILL 137

1 be made to the governor. The discharge has the effect of an absolute or conditional
2 pardon, respectively.

3 **SECTION 418.** 973.0135 (2) (intro.) of the statutes is amended to read:

4 973.0135 (2) (intro.) Except as provided in sub. (3), when a court sentences a
5 prior offender to imprisonment in a state prison for a serious felony committed on or
6 after April 21, 1994, ~~but before December 31, 1999~~, the court shall make a parole
7 eligibility determination regarding the person and choose one of the following
8 options:

9 **SECTION 419.** 973.014 (title) of the statutes is amended to read:

10 **973.014 (title) Sentence of life imprisonment; parole eligibility**
11 **determination; ~~extended supervision eligibility determination.~~**

12 **SECTION 420.** 973.014 (1) (intro.) of the statutes is amended to read:

13 973.014 (1) (intro.) Except as provided in sub. (2), when a court sentences a
14 person to life imprisonment for a crime committed on or after July 1, 1988, ~~but before~~
15 ~~December 31, 1999~~, the court shall make a parole eligibility determination
16 regarding the person and choose one of the following options:

17 **SECTION 421.** 973.014 (1) (c) of the statutes is amended to read:

18 973.014 (1) (c) The person is not eligible for parole. This paragraph applies only
19 if the court sentences a person for a crime committed on or after August 31, 1995, ~~but~~
20 ~~before December 31, 1999.~~

21 **SECTION 422.** 973.014 (1g) of the statutes is repealed.

22 **SECTION 423.** 973.014 (2) of the statutes is amended to read:

23 973.014 (2) When a court sentences a person to life imprisonment under s.
24 939.62 (2m) (c), the court shall provide that the sentence is without the possibility
25 of parole ~~or extended supervision.~~

SENATE BILL 137

1 **SECTION 424.** 973.032 (1) of the statutes is amended to read:

2 973.032 (1) SENTENCE. Beginning July 1, 1992, a court may sentence a person
3 who is convicted of a felony occurring on or after August 15, 1991, ~~but before~~
4 ~~December 31, 1999,~~ to participate in the intensive sanctions program under s.
5 301.048. ~~If a person is convicted of a felony occurring on or after December 31, 1999,~~
6 ~~a court may not sentence the person to participate in the intensive sanctions program~~
7 ~~under s. 301.048.~~

8 **SECTION 425.** 973.10 (1) of the statutes is amended to read:

9 973.10 (1) Imposition of probation shall have the effect of placing the defendant
10 in the custody of the department and shall subject the defendant to the control of the
11 department under conditions set by the court and rules and regulations established
12 by the department for the supervision of probationers, and parolees ~~and persons on~~
13 ~~extended supervision.~~

14 **SECTION 426.** 973.15 (2) (b) of the statutes is amended to read:

15 973.15 (2) (b) The court may not impose a sentence to the intensive sanctions
16 program consecutive to any other sentence. The court may not impose a sentence to
17 the intensive sanctions program concurrent with a sentence imposing
18 imprisonment, except that the court may impose a sentence to the program
19 concurrent with an imposed and stayed imprisonment sentence or with a prison
20 sentence for which the offender has been released on ~~extended supervision or~~ parole.
21 The court may impose concurrent intensive sanctions program sentences. The court
22 may impose an intensive sanctions program sentence concurrent to probation. The
23 court may impose any sentence for an escape from a sentence to the intensive
24 sanctions program concurrent with the sentence to the intensive sanctions program.

25 **SECTION 427.** 973.15 (6) of the statutes is amended to read:

SENATE BILL 137

1 973.15 (6) Sections 302.11 and 304.06 are applicable to an inmate serving a
2 sentence to the Wisconsin state prisons for ~~a crime committed before~~
3 ~~December 31, 1999~~, but confined in a federal institution or an institution in another
4 state.

5 **SECTION 428.** 973.155 (1) (b) of the statutes is amended to read:

6 973.155 (1) (b) The categories in par. (a) include custody of the convicted
7 offender which is in whole or in part the result of a probation, ~~extended supervision~~
8 or parole hold under s. 304.06 (3) or 973.10 (2) placed upon the person for the same
9 course of conduct as that resulting in the new conviction.

10 **SECTION 429.** 973.155 (2) of the statutes is amended to read:

11 973.155 (2) After the imposition of sentence, the court shall make and enter a
12 specific finding of the number of days for which sentence credit is to be granted,
13 which finding shall be included in the judgment of conviction. In the case of
14 revocation of probation, ~~extended supervision~~ or parole, the department, if the
15 hearing is waived, or the division of hearings and appeals in the department of
16 administration, in the case of a hearing, shall make such a finding, which shall be
17 included in the revocation order.

18 **SECTION 430.** 973.155 (5) of the statutes is amended to read:

19 973.155 (5) If this section has not been applied at sentencing to any person who
20 is in custody or to any person who is on probation, ~~extended supervision~~ or parole,
21 the person may petition the department to be given credit under this section. Upon
22 proper verification of the facts alleged in the petition, this section shall be applied
23 retroactively to the person. If the department is unable to determine whether credit
24 should be given, or otherwise refuses to award retroactive credit, the person may

1 petition the sentencing court for relief. This subsection applies to any person,
2 regardless of the date he or she was sentenced.

3 **SECTION 431.** 973.20 (1r) of the statutes is amended to read:

4 973.20 **(1r)** When imposing sentence or ordering probation for any crime for
5 which the defendant was convicted, the court, in addition to any other penalty
6 authorized by law, shall order the defendant to make full or partial restitution under
7 this section to any victim of a crime considered at sentencing or, if the victim is
8 deceased, to his or her estate, unless the court finds substantial reason not to do so
9 and states the reason on the record. Restitution ordered under this section is a
10 condition of probation, ~~extended supervision~~ or parole served by the defendant for
11 a crime for which the defendant was convicted. After the termination of probation,
12 ~~extended supervision~~ or parole, or if the defendant is not placed on probation,
13 ~~extended supervision~~ or parole, restitution ordered under this section is enforceable
14 in the same manner as a judgment in a civil action by the victim named in the order
15 to receive restitution or enforced under ch. 785.

16 **SECTION 432.** 973.20 (10) of the statutes is amended to read:

17 973.20 **(10)** The court may require that restitution be paid immediately, within
18 a specified period or in specified instalments. If the defendant is placed on probation
19 or sentenced to imprisonment, the end of a specified period shall not be later than
20 the end of any period of probation, ~~extended supervision~~ or parole. If the defendant
21 is sentenced to the intensive sanctions program, the end of a specified period shall
22 not be later than the end of the sentence under s. 973.032 (3) (a).

23 **SECTION 433.** 975.10 (1) of the statutes is amended to read:

24 975.10 **(1)** Any person committed as provided in this chapter may be paroled
25 if it appears to the satisfaction of the department of health and family services after

SENATE BILL 137

1 recommendation by a special review board, appointed by the department, a majority
2 of whose members shall not be connected with the department, that the person is
3 capable of making an acceptable adjustment in society. Before a person is released
4 on parole under this section, the department of health and family services shall so
5 notify the municipal police department and county sheriff for the area where the
6 person will be residing. The notification requirement does not apply if a municipal
7 department or county sheriff submits to the department of health and family services
8 a written statement waiving the right to be notified. Probation,~~extended~~
9 ~~supervision~~ and parole agents of the department of corrections shall supervise
10 persons paroled under this section.

11 **SECTION 434.** 976.03 (3) of the statutes is amended to read:

12 976.03 (3) FORM OF DEMAND. No demand for the extradition of a person charged
13 with a crime in another state shall be recognized by the governor unless in writing
14 alleging, except in cases arising under sub. (6), that the accused was present in the
15 demanding state at the time of the commission of the alleged crime, and that
16 thereafter the accused fled from the state, and accompanied by a copy of an
17 indictment found or by an information supported by affidavit in the state having
18 jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there,
19 together with a copy of any warrant which was issued thereon; or by a copy of a
20 judgment of conviction or of a sentence imposed in execution thereof, together with
21 a statement by the executive authority of the demanding state that the person
22 claimed has escaped from confinement or has broken the terms of the person's bail,
23 probation,~~extended supervision~~ or parole. The indictment, information or affidavit
24 made before the magistrate must substantially charge the person demanded with
25 having committed a crime under the law of that state; and the copy of indictment,

SENATE BILL 137

1 information, affidavit, judgment of conviction or sentence must be authenticated by
2 the executive authority making the demand.

3 **SECTION 435.** 976.03 (13) of the statutes is amended to read:

4 976.03 **(13)** ARREST PRIOR TO REQUISITION. Whenever any person within this
5 state shall be charged on the oath of any credible person before any judge of this state
6 with the commission of any crime in any other state and, except in cases arising
7 under sub. (6), with having fled from justice, or with having been convicted of a crime
8 in that state and having escaped from confinement, or having broken the terms of
9 his or her bail, probation, ~~extended supervision~~ or parole, or whenever complaint
10 shall have been made before any judge in this state setting forth on the affidavit of
11 any credible person in another state that a crime has been committed in such other
12 state and that the accused has been charged in such state with the commission of the
13 crime, and, except in cases arising under sub. (6), has fled from justice, or with having
14 been convicted of a crime in that state and having escaped from confinement, or
15 having broken the terms of his or her bail, probation, ~~extended supervision~~ or parole,
16 and is believed to be in this state, the judge shall issue a warrant directed to any
17 peace officer commanding the officer to apprehend the person named therein,
18 wherever the person may be found in this state, and to bring the person before the
19 same or any other judge or court who or which may be available in or convenient of
20 access to the place where the arrest may be made, to answer the charge or complaint
21 and affidavit; and a certified copy of the sworn charge or complaint and affidavit upon
22 which the warrant is issued shall be attached to the warrant.

23 **SECTION 436.** 976.03 (22) of the statutes is amended to read:

24 976.03 **(22)** FUGITIVES FROM THIS STATE, DUTY OF GOVERNOR. Whenever the
25 governor of this state shall demand a person charged with crime or with escaping

SENATE BILL 137

1 from confinement or breaking the terms of his or her bail, probation, ~~extended~~
2 ~~supervision~~ or parole in this state from the executive authority of any other state, or
3 from the chief justice or an associate justice of the district court of the United States
4 for the District of Columbia authorized to receive such demand under the laws of the
5 United States, the governor shall issue a warrant under the seal of this state, to some
6 agent, commanding the agent to receive the person so charged if delivered to the
7 agent and convey the person to the proper officer of the county in this state in which
8 the offense was committed.

9 **SECTION 437.** 976.03 (23) (b) of the statutes is amended to read:

10 976.03 **(23)** (b) When the return to this state is required of a person who has
11 been convicted of a crime in this state and has escaped from confinement or broken
12 the terms of his or her bail, probation, ~~extended~~ ~~supervision~~ or parole, the
13 prosecuting attorney of the county in which the offense was committed, the secretary
14 of corrections, or the warden of the institution or sheriff of the county from which
15 escape was made, shall present to the governor a written application for a requisition
16 for the return of the person, in which application shall be stated the name of the
17 person, the crime of which the person was convicted, the circumstances of escape
18 from confinement or of the breach of the terms of bail, probation, ~~extended~~
19 ~~supervision~~ or parole, and the state in which the person is believed to be, including
20 the location of the person therein at the time application is made.

21 **SECTION 438.** 976.03 (27) (a) of the statutes is amended to read:

22 976.03 **(27)** (a) Any person arrested in this state charged with having
23 committed any crime in another state or alleged to have escaped from confinement,
24 or broken the terms of his or her bail, probation, ~~extended~~ ~~supervision~~ or parole may
25 waive the issuance and service of the warrant provided for in subs. (7) and (8) and

SENATE BILL 137

1 all other procedure incidental to extradition proceedings, by executing or subscribing
2 in the presence of a judge of any court of record within this state a writing which
3 states that the person consents to return to the demanding state; however, before
4 such waiver shall be executed or subscribed by such person the judge shall inform
5 such person of the person's rights to the issuance and service of a warrant of
6 extradition and to commence an action for habeas corpus as provided in sub. (10).

7 **SECTION 439.** 976.05 (3) (a) of the statutes is amended to read:

8 976.05 **(3)** (a) Whenever a person has entered upon a term of imprisonment in
9 a penal or correctional institution of a party state, and whenever during the
10 continuance of the term of imprisonment there is pending in any other party state
11 any untried indictment, information or complaint on the basis of which a detainer
12 has been lodged against the prisoner, the prisoner shall be brought to trial within 180
13 days after the prisoner has caused to be delivered to the prosecuting officer and the
14 appropriate court of the prosecuting officer's jurisdiction written notice of the place
15 of his or her imprisonment and his or her request for a final disposition to be made
16 of the indictment, information or complaint, but for good cause shown in open court,
17 the prisoner or the prisoner's counsel being present, the court having jurisdiction of
18 the matter may grant any necessary or reasonable continuance. The request of the
19 prisoner shall be accompanied by a certificate of the appropriate official having
20 custody of the prisoner, stating the term of commitment under which the prisoner is
21 being held, the time already served, the time remaining to be served on the sentence,
22 the amount of good time earned, the time of parole eligibility ~~or date of release to~~
23 ~~extended supervision~~ of the prisoner and any decisions of the department relating
24 to the prisoner.

25 **SECTION 440.** 976.05 (4) (b) of the statutes is amended to read:

SENATE BILL 137

1 976.05 (4) (b) Upon receipt of the officer's written request under par. (a), the
2 appropriate authorities having the prisoner in custody shall furnish the officer with
3 a certificate stating the term of commitment under which the prisoner is being held,
4 the time already served, the time remaining to be served on the sentence, the amount
5 of good time earned, the time of parole eligibility ~~or date of release to extended~~
6 ~~supervision~~ of the prisoner, and any decisions of the state parole agency relating to
7 the prisoner. Said authorities simultaneously shall furnish all other officers and
8 appropriate courts in the receiving state who lodged detainers against the prisoner
9 with similar certificates and with notices informing them of the request for custody
10 or availability and of the reasons therefor.

11 **SECTION 441.** 977.05 (6) (h) (intro.) of the statutes is amended to read:

12 977.05 (6) (h) (intro.) The state public defender may not provide legal services
13 or assign counsel in parole ~~or extended supervision~~ revocation proceedings unless all
14 of the following apply:

15 **SECTION 442.** 977.05 (6) (h) 1. of the statutes is amended to read:

16 977.05 (6) (h) 1. The parolee ~~or person on extended supervision~~ is contesting
17 the revocation of parole ~~or extended supervision~~.

18 **SECTION 443.** 977.05 (6) (h) 2. of the statutes is amended to read:

19 977.05 (6) (h) 2. The department of corrections seeks to have the parolee ~~or~~
20 ~~person on extended supervision~~ imprisoned upon the revocation of parole ~~or~~
21 ~~extended supervision~~.

22 **SECTION 444.** 977.06 (2) (b) of the statutes, as affected by 1997 Wisconsin Act

23 283, is repealed and recreated to read:

SENATE BILL 137

1 977.06 (2) (b) A person who makes a false representation that he or she does
2 not believe is true for purposes of qualifying for assignment of counsel shall be fined
3 not more than \$10,000 or imprisoned for not more than 5 years or both.

4 **SECTION 445.** 978.07 (1) (c) 1. of the statutes is amended to read:

5 978.07 (1) (c) 1. Any case record of a felony punishable by life imprisonment
6 or a related case, after the defendant's parole eligibility date under s. 304.06 (1) or
7 973.014 (1) ~~or date of eligibility for release to extended supervision under s. 973.014~~
8 ~~(1g) (a) 1. or 2., whichever is applicable,~~ or 50 years after the commencement of the
9 action, whichever occurs later. If there is no parole eligibility date ~~or no date for~~
10 ~~release to extended supervision,~~ the district attorney may destroy the case record
11 after the defendant's death.

12 **SECTION 446.** 980.015 (2) (a) of the statutes is amended to read:

13 980.015 (2) (a) The anticipated discharge from a sentence, anticipated release
14 on parole ~~or extended supervision~~ or anticipated release from imprisonment of a
15 person who has been convicted of a sexually violent offense.

16 **SECTION 447.** 980.02 (1) (b) 2. of the statutes is amended to read:

17 980.02 (1) (b) 2. The county in which the person will reside or be placed upon
18 his or her discharge from a sentence, release on parole ~~or extended supervision,~~
19 release from imprisonment, from a secured correctional facility, as defined in s.
20 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), or
21 from a commitment order.

22 **SECTION 448.** 980.02 (2) (ag) of the statutes is amended to read:

23 980.02 (2) (ag) The person is within 90 days of discharge or release, on parole,
24 ~~extended supervision~~ or otherwise, from a sentence that was imposed for a conviction
25 for a sexually violent offense, from a secured correctional facility, as defined in s.

SENATE BILL 137

1 938.02 (15m), or a secured child caring institution, as defined in s. 938.02 (15g), if the
2 person was placed in the facility for being adjudicated delinquent under s. 938.183
3 or 938.34 on the basis of a sexually violent offense or from a commitment order that
4 was entered as a result of a sexually violent offense.

5 **SECTION 449.** 980.02 (4) (am) of the statutes is amended to read:

6 980.02 (4) (am) The circuit court for the county in which the person will reside
7 or be placed upon his or her discharge from a sentence, release on parole ~~or extended~~
8 ~~supervision~~, release from imprisonment, from a secured correctional facility, as
9 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02
10 (15g), or from a commitment order.

11 **SECTION 450. Initial applicability.**

12 (1) FELONY PENALTIES. The treatment of sections 11.61 (1) (a) and (b), 12.60 (1)
13 (a), 13.05, 13.06, 13.69 (6m), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c), (1m) (c), (11m)
14 (a) and (11p) (a), 30.80 (2g) (b), (c) and (d) and (3m), 36.25 (6) (d), 47.03 (3) (d), 49.127
15 (8) (a) 2., (b) 2. and (c), 49.141 (7) (a) and (b), (9) (a) and (b) and (10) (b), 49.49 (1) (b)
16 1., (2) (a) and (b), (3), (3m) (b) and (4) (b), 49.95 (1), 51.15 (12), 55.06 (11) (am), 66.4025
17 (1) (b) and (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4), 97.43 (4), 97.45
18 (2), 100.171 (7) (b), 100.26 (2), (5) and (7), 101.143 (10) (b), 101.94 (8) (b), 102.835 (11)
19 and (18), 102.85 (3), 108.225 (11) and (18), 114.20 (18) (c), 125.075 (2), 125.085 (3) (a)
20 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b) and (c), 132.20 (2), 133.03 (1) and (2),
21 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44 (1), (1m), (2) and (8)
22 (c), 139.95 (2) and (3), 146.345 (3), 146.35 (5), 146.60 (9) (am), 146.70 (10) (a), 154.15
23 (2), 154.29 (2), 166.20 (11) (b) 1. and 2., 167.10 (9) (g), 175.20 (3), 180.0129 (2),
24 181.0129 (2), 185.825, 200.09 (2), 214.93, 215.02 (6) (b), 215.12, 215.21 (21), 218.21
25 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2), 221.1004 (2), 253.06

SENATE BILL 137

1 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.) and (c), 299.53 (4) (c) 2., 302.095 (2),
2 341.605 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b), 342.30 (3) (a),
3 342.32 (3), 344.48 (2), 346.17 (3) (a), (b), (c) and (d), 346.65 (5), 346.74 (5) (b), (c) and
4 (d), 350.11 (2m), 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2), 551.58 (1),
5 552.19 (1), 553.52 (1) and (2), 562.13 (3) and (4), 565.50 (2) and (3), 601.64 (4), 641.19
6 (4) (a) and (b), 765.30 (1) (intro.) and (2) (intro.), 768.07, 783.07, 939.50 (3) (b), (bc),
7 (c), (d) and (e), 939.615 (3) (b), 946.85 (1), 961.41 (1) (a), (b), (cm) 1., 2., 3., 4. and 5.,
8 (d) 1., 2., 3., 4., 5. and 6., (e) 1., 2., 3., 4., 5. and 6., (f) 1., 2. and 3., (g) 1., 2. and 3., (h)
9 1., 2. and 3., (i) and (j), (1m) (a), (b), (cm) 1., 2., 3., 4. and 5., (d) 1., 2., 3., 4., 5. and 6.,
10 (e) 1., 2., 3., 4., 5. and 6., (f) 1., 2. and 3., (g) 1., 2. and 3., (h) 1., 2. and 3., (i) and (j),
11 (1n) (c), (2) (a), (b), (c) and (d), (3g) (a) 1. and 2. and (4) (am) 3., 961.42 (2), 961.43 (2),
12 961.455 (1), 968.31 (1) (intro.), 968.34 (3), 968.43 (3) and 977.06 (2) (b) of the statutes
13 applies to offenses committed on or after the effective date of this subsection.

14 (2) END OF BIFURCATED SENTENCES. The treatment of sections 302.11 (1g) (am),
15 (1p) and (1z), 304.02 (6), 304.06 (1) (b), 973.01, 973.0135 (2) (intro.), 973.014 (1)
16 (intro.) and (c), (1g) and (2) and 973.032 (1) of the statutes first applies to offenses
17 committed on the effective date of this subsection.

18 **SECTION 451. Effective dates.** This act takes effect on the day after
19 publication, except as follows:

20 (1) INCREASE IN FELONY PENALTIES. The treatment of sections 11.61 (1) (a) and
21 (b), 12.60 (1) (a), 13.05, 13.06, 13.69 (6m), 23.33 (13) (cg), 26.14 (8), 29.971 (1) (c), (1m)
22 (c), (11m) (a) and (11p) (a), 30.80 (2g) (b), (c) and (d) and (3m), 36.25 (6) (d), 47.03 (3)
23 (d), 49.127 (8) (a) 2., (b) 2. and (c), 49.141 (7) (a) and (b), (9) (a) and (b) and (10) (b),
24 49.49 (1) (b) 1., (2) (a) and (b), (3), (3m) (b) and (4) (b), 49.95 (1), 51.15 (12), 55.06 (11)
25 (am), 66.4025 (1) (b) and (c), 69.24 (1) (intro.), 70.47 (18) (a), 71.83 (2) (b), 86.192 (4),

SENATE BILL 137

1 97.43 (4), 97.45 (2), 100.171 (7) (b), 100.26 (2), (5) and (7), 101.143 (10) (b), 101.94 (8)
2 (b), 102.835 (11) and (18), 102.85 (3), 108.225 (11) and (18), 114.20 (18) (c), 125.075
3 (2), 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12) (b) and (c), 132.20 (2),
4 133.03 (1) and (2), 134.05 (4), 134.16, 134.20 (1) (intro.), 134.205 (4), 134.58, 139.44
5 (1), (1m), (2) and (8) (c), 139.95 (2) and (3), 146.345 (3), 146.35 (5), 146.60 (9) (am),
6 146.70 (10) (a), 154.15 (2), 154.29 (2), 166.20 (11) (b) 1. and 2., 167.10 (9) (g), 175.20
7 (3), 180.0129 (2), 181.0129 (2), 185.825, 200.09 (2), 214.93, 215.02 (6) (b), 215.12,
8 215.21 (21), 218.21 (7), 220.06 (2), 221.0625 (2) (intro.), 221.0636 (2), 221.0637 (2),
9 221.1004 (2), 253.06 (4) (b), 285.87 (2) (b), 291.97 (2) (b) (intro.) and (c), 299.53 (4) (c)
10 2., 302.095 (2), 341.605 (3), 342.06 (2), 342.065 (4) (b), 342.155 (4) (b), 342.156 (6) (b),
11 342.30 (3) (a), 342.32 (3), 344.48 (2), 346.17 (3) (a), (b), (c) and (d), 346.65 (5), 346.74
12 (5) (b), (c) and (d), 350.11 (2m), 446.07, 447.09, 450.11 (9) (b), 450.14 (5), 450.15 (2),
13 551.58 (1), 552.19 (1), 553.52 (1) and (2), 562.13 (3) and (4), 565.50 (2) and (3), 601.64
14 (4), 641.19 (4) (a) and (b), 765.30 (1) (intro.) and (2) (intro.), 768.07, 783.07, 939.50
15 (3) (b), (bc), (c), (d) and (e), 939.615 (3) (b), 946.85 (1), 961.41 (1) (a), (b), (cm) 1., 2.,
16 3., 4. and 5., (d) 1., 2., 3., 4., 5. and 6., (e) 1., 2., 3., 4., 5. and 6., (f) 1., 2. and 3., (g) 1.,
17 2. and 3., (h) 1., 2. and 3., (i) and (j), (1m) (a), (b), (cm) 1., 2., 3., 4. and 5., (d) 1., 2.,
18 3., 4., 5. and 6., (e) 1., 2., 3., 4., 5. and 6., (f) 1., 2. and 3., (g) 1., 2. and 3., (h) 1., 2. and
19 3., (i) and (j), (1n) (c), (2) (a), (b), (c) and (d), (3g) (a) 1. and 2. and (4) (am) 3., 961.42
20 (2), 961.43 (2), 961.455 (1), 968.31 (1) (intro.), 968.34 (3), 968.43 (3) and 977.06 (2) (b)
21 of the statutes and SECTION 450 (1) and (2) of this act take effect on
22 December 31, 1999, or on the day after publication, whichever is later.

23

(END)