

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **05/28/99**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bauer (DS)**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Correctional System - int sanct
Criminal Law - sentencing**

Extra Copies:

Pre Topic:

LFB:.....Bauer -

Topic:

Intensive sanctions program modifications

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 06/7/99	chanaman 06/7/99	mclark 06/8/99	_____	lrb_docadmin 06/8/99		

FE Sent For:

<END>

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/1	olsenje	Chm 6/7	6/7 mrc	MRC/BF 6/8			
FE Sent For:		1					

<END>

ADULT COMMUNITY CORRECTIONS

Intensive Sanctions Program Modifications

Motion:

Move to modify the intensive sanctions program to specify that inmates sentenced to or placed in the program may not have a history of violent offenses.

Note:

This motion modifies the statutes related to the intensive sanctions program to specify that courts could not sentence and Corrections and the Parole Commission could not place an offender in the intensive sanctions program if the offender has a history of violent offenses. Under current law, any person convicted of a felony, other than those sentenced to life imprisonment, may be placed in the program. Until Corrections suspended the use of the intensive sanctions program in September, 1997, offenders recommended for the program were those currently sentenced for non-violent, non-drug dealing property offenses whose prison term would otherwise be less than four years and who otherwise would not qualify for probation.

MO# _____
Burke N
Decker N
Jauch N
Moore N
Shibilski N
Plache N
Cowles N
Panzer N

Gard N
Porter N
Kaufert N
Albers N
Duff N
Ward N
Huber N
Riley N

16-0



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0468/1

JEO:.....

cm4

D - Note
soon

LFB:.....Bauer - Intensive sanctions program modifications

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

and 2.

1 At the locations indicated, amend the bill as follows:

2 1. Page 1206, line 10: after that line insert:

3 **SECTION 2692** 301.048 (2) (intro.) of the statutes is renumbered 301.048 (2)

4 (am), and 301.048 (2) (am) (intro.), as renumbered, ~~is~~ amended to read:

5 301.048 (2) (am) (intro.) ~~A~~ Except as provided in par. (bm), a person enters the
6 intensive sanctions program only if he or she has been convicted of a felony and only

7 under one of the following circumstances:

History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283.

8 **SECTION 2692**, 301.048 (2) (bm) of the statutes is created to read:

9 301.048 (2) (bm) 1. In this paragraph, "violent offense" means:

10 a. A crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09,

11 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20, 940.201, 940.203, 940.21,

Insert
1-7

are

8
m

1 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r.,
 2 2. or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30,
 3 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23
 4 (1g), (1m) or (1r), 943.30, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
 5 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30.

6 b. A crime under federal law, the law of any other state or, prior to the effective
 7 date of this subdivision ^{1. b.}.... [revisor inserts date], the law of this state that is
 8 comparable to a crime specified in subd. 1. a.

9 2. A person who has, at any time, been convicted, adjudicated delinquent or
 10 found not guilty or not responsible by reason of insanity or mental disease, defect or
 11 illness ^{of or} for ~~committing~~ a violent offense is not eligible for the intensive sanctions
 12 program.

13 **SECTION 2692.** 301.048 (4) (a) of the statutes is amended to read:

14 301.048 (4) (a) A participant is in the custody and under the control of the
 15 department, subject to its rules and discipline. A participant entering the program
 16 under sub. (2) ~~(a) or (b)~~ ^(am) 1. or 2. is a prisoner. A participant entering the program
 17 under sub. (2) ~~(c)~~ ^m (a) 3. is a prisoner, except that he or she is a parolee for purposes
 18 of revocation. A participant entering the program under sub. (2) ~~(c)~~ ^m (a) ~~(b)~~ ^{3m} is a
 19 prisoner, except that he or she remains a person on extended supervision for
 20 purposes of revocation. A participant entering the program under sub. (2) ~~(d)~~ ^m (a) ~~(b)~~ ⁴
 21 is a prisoner, except that he or she remains a probationer, parolee or person on
 22 extended supervision, whichever is applicable, for purposes of revocation.”.

History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283.

23 **2.** Page 1357, line 5: after that line insert:

24 **SECTION 3202m.** 973.032 (2) (b) of the statutes is amended to read:

1 973.032 (2) (b) Notwithstanding par. (a), a court may not sentence a person
 2 under sub. (1) if he or she is convicted of a felony punishable by life imprisonment
 3 or has at any time been convicted, adjudicated delinquent or found not guilty or not
 4 responsible by reason of insanity or mental disease, defect or illness for committing
 5 a violent offense, as defined in s. 301.048 (1) (bm)." *plain period* (2)

History: 1991 a. 39; 1993 a. 79; 1995 a. 27, 390; 1997 a. 283.

6 3. Page 1450, line 5: after that line insert:

g ← (letter "g")

(3) INELIGIBILITY FOR INTENSIVE SANCTIONS PROGRAM. The treatment of sections

7 301.048 ~~(1) (a), (b), (c), (cm) and (d)~~ (4) (a) and 973.032 (2) (b) of the

8 statutes, and the creation of ^{section} 301.048 (2) (bm) of the statutes first ^{apply} ~~applies~~ to persons

9 being sentenced on the effective date of this subsection." *apply*

10

(END)

*the renumbering and amendment
of section 301.048(2) of the
Statutes*

*the placement of persons in the
intensive sanctions program*

sanctions

*or the
sentencing
of persons
to*

*Initial
App.*

INSERT (- 7)

Section #. 301.048 (2) (b) of the statutes is amended to read:

9

2.

~~301.048 (2) (b)~~ He or she is a prisoner serving a felony sentence not punishable by life imprisonment and the department directs him or her to participate in the program. This paragraph does not apply to a prisoner serving a bifurcated sentence imposed under s. 973.01.

~~History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283.~~

Subdivision

(END OF INSERT)

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

LRBb0468/1dn

JEO:.....

cmh

June 7, 1999

✓
Jere Bauer:

✓
Sen. Moore's motion refers only to the eligibility of persons with a history of violent offenses for the intensive sanctions program. Accordingly, this amendment does not affect the eligibility of persons who committed drug-related offenses. Is this okay?

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0468/1dn
JEO:cmh:mrc

June 7, 1999

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Sen. Moore's motion refers only to the eligibility of persons with a history of violent offenses for the intensive sanctions program. Accordingly, this amendment does not affect the eligibility of persons who committed drug-related offenses. Is this okay?

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0468/1
JEO:cmh:mrc

LFB:.....Bauer – Intensive sanctions program modifications

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1206, line 10: after that line insert:

3 “**SECTION 2692e.** 301.048 (2) of the statutes is renumbered 301.048 (2) (am),
4 and 301.048 (2) (am) (intro.) and 2., as renumbered, are amended to read:

5 301.048 (2) (am) (intro.) ~~A~~ Except as provided in par. (bm), a person enters the
6 intensive sanctions program only if he or she has been convicted of a felony and only
7 under one of the following circumstances:

8 2. He or she is a prisoner serving a felony sentence not punishable by life
9 imprisonment and the department directs him or her to participate in the program.
10 This ~~paragraph~~ subdivision does not apply to a prisoner serving a bifurcated
11 sentence imposed under s. 973.01.

12 **SECTION 2692m.** 301.048 (2) (bm) of the statutes is created to read:

1 301.048 (2) (bm) 1. In this paragraph, “violent offense” means:

2 a. A crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09,
3 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20, 940.201, 940.203, 940.21,
4 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r.,
5 2. or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30,
6 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23
7 (1g), (1m) or (1r), 943.30, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
8 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30.

9 b. A crime under federal law, the law of any other state or, prior to the effective
10 date of this subdivision 1. b. [revisor inserts date], the law of this state that is
11 comparable to a crime specified in subd. 1. a.

12 2. A person who has at any time been convicted, adjudicated delinquent or
13 found not guilty or not responsible by reason of insanity or mental disease, defect or
14 illness of or for a violent offense is not eligible for the intensive sanctions program.

15 **SECTION 2692s.** 301.048 (4) (a) of the statutes is amended to read:

16 301.048 (4) (a) A participant is in the custody and under the control of the
17 department, subject to its rules and discipline. A participant entering the program
18 under sub. (2) (a) ~~or (b)~~ (am) 1. or 2. is a prisoner. A participant entering the program
19 under sub. (2) (e) (am) 3. is a prisoner, except that he or she is a parolee for purposes
20 of revocation. A participant entering the program under sub. (2) ~~(em)~~ (am) 3m. is a
21 prisoner, except that he or she remains a person on extended supervision for
22 purposes of revocation. A participant entering the program under sub. (2) ~~(d)~~ (am)
23 4. is a prisoner, except that he or she remains a probationer, parolee or person on
24 extended supervision, whichever is applicable, for purposes of revocation.”.

