1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Receive	ed: 05/28/99				Received By: olsenje											
Wanted: Soon For: Legislative Fiscal Bureau This file may be shown to any legislator: NO May Contact:					Identical to LRB: By/Representing: Bauer (DS) Drafter: olsenje Alt. Drafters:											
									Subject: Correctional System - int sanct Criminal Law - sentencing				Extra Copies:			
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Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required									
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LFB:.....Bauer -

Topic:

Intensive sanctions program modifications

Instructions:

See Attached

Drafting History:

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/1

olsenje

CMH 617 MRC

FE Sent For:

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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 Decker Jauch Moore Shibilski Plache Cowles Panzer Gard Porter Kaufert Albers Duff Ward Huber

16-0



State of Misconsin 1999 - 2000 LEGISLATURE

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LRBb0468/1 JEO:...:...

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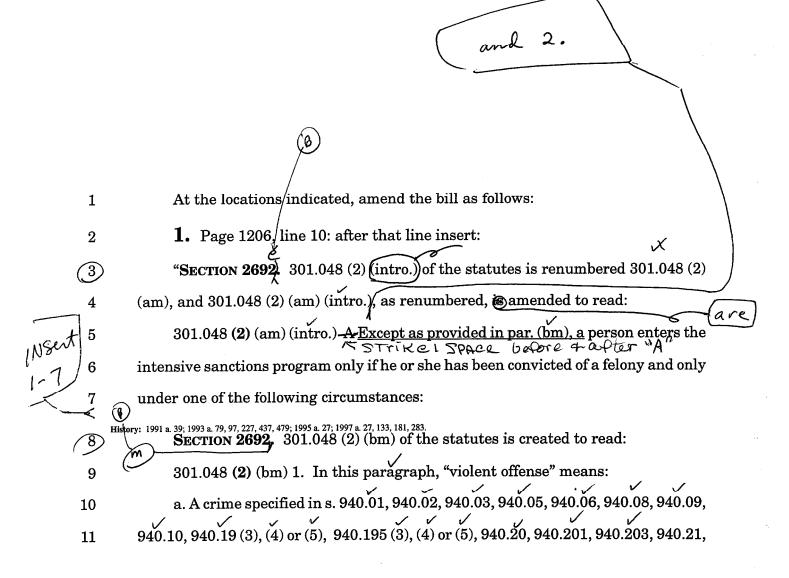
SOON

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



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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, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30.

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

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

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

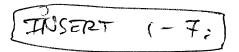
History: 1991 a. 39, 1993 a. 79, 97, 227, 437; 479; 1995 a. 27, 1997 a. 27, 133, 181, 283.

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

"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 responsible by reason of insanity or mental disease, defect or illness for committing 4 plain period 5 a violent offense, as defined in s. 301.048 (4) (bm) History: 1991 a. 39; 1993 a. 79; 1995 a. 27, 390; 1997 a. 283. **3.** Page 1450, line 5: after that line insert: 6 g + (letter "g") INELIGIBILITY FOR INTENSIVE SANCTIONS PROGRAM (The treatment of sections 301.048 (4) (a) and 973.032 (2) (b) of the statutes and the creation of 301.048 (2) (bm) of the statutes first applies to persons (10) being sentenced on the effective date of this subsection.". 11 (END) the renumbering and amendment

of section 301.048(2) of the the placement of personal en the intensive Sanctions program sanctions



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

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-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

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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 Misconsin 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

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:

At the locations indicated, amend the bill as follows:

1	301.048 (2) (bm) 1.	In this paragraph,	"violent offense"	means:
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- a. A crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30.
 - b. A crime under federal law, the law of any other state or, prior to the effective date of this subdivision 1. b. [revisor inserts date], the law of this state that is comparable to a crime specified in subd. 1. a.
 - 2. A person who has at any time been convicted, adjudicated delinquent or found not guilty or not responsible by reason of insanity or mental disease, defect or illness of or for a violent offense is not eligible for the intensive sanctions program.

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

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

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

"Section 3202m. 973.032 (2) (b) of the statutes is amended to read:

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

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

"(3g) Ineligibility for intensive sanctions program. The treatment of sections 301.048 (4) (a) and 973.032 (2) (b) of the statutes, the renumbering and amendment of section 301.048 (2) of the statutes and the creation of section 301.048 (2) (bm) of the statutes first apply to the placement of persons in or the sentencing of persons to the intensive sanctions program on the effective date of this subsection.".

(END)