

2001 ASSEMBLY BILL 418

May 24, 2001 – Introduced by Representatives WALKER, AINSWORTH, ALBERS, BALOW, COGGS, KRAWCZYK, J. LEHMAN, MILLER, MUSSER, NASS, OWENS, PLOUFF, STASKUNAS, SYKORA, TURNER, VRAKAS and WADE, cosponsored by Senators JAUCH, DARLING, GROBSCHMIDT, HUELSMAN, LAZICH, ROESSLER, ROSENZWEIG, SCHULTZ and WIRCH. Referred to Committee on Corrections and the Courts.

- 1 AN ACT *to amend* 973.09 (4); and *to create* 973.09 (4) (b) of the statutes;
2 **relating to:** the place of confinement of a person on probation.

Analysis by the Legislative Reference Bureau

Under current law, a court, as part of the sentence of a felon, may withhold a sentence, or impose a sentence and stay execution of that sentence, and place the offender on probation. As a condition of probation, the court may order that the offender be confined in a county or tribal facility. Current law allows the court to grant the offender the privilege of leaving the facility during the hours of employment or to delegate that decision to the sheriff.

This bill also allows the court, when recommended in the presentence investigation and with the consent of the department of corrections DOC, to order the offender confined to a facility located in the city of Milwaukee for the purpose of allowing the offender to complete an alcohol and other drug abuse treatment program. The bill requires the court to place the offender in a probation and parole holding facility for alcohol and other drug abuse treatment established by DOC or in a DOC minimum security correctional institution in the city of Milwaukee.

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:

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1 **SECTION 1.** 973.09 (4) of the statutes is amended to read:

2 973.09 (4) (a) The court may also require as a condition of probation that the
3 probationer be confined during such period of the term of probation as the court
4 prescribes, but not to exceed one year. The court may grant the privilege of leaving
5 the county jail, Huber facility, work camp or tribal jail during the hours or periods
6 of employment or other activity under s. 303.08 (1) (a) to (e) while confined under this
7 subsection. The court may specify the necessary and reasonable hours or periods
8 during which the probationer may leave the jail, Huber facility, work camp or tribal
9 jail or the court may delegate that authority to the sheriff. In those counties without
10 a Huber facility under s. 303.09, a work camp under s. 303.10 or an agreement under
11 s. 302.445, the probationer shall be confined in the county jail. In those counties with
12 a Huber facility under s. 303.09, the sheriff shall determine whether confinement
13 under this subsection is to be in that facility or in the county jail. In those counties
14 with a work camp under s. 303.10, the sheriff shall determine whether confinement
15 is to be in the work camp or the county jail. The sheriff may transfer persons confined
16 under this subsection between a Huber facility or a work camp and the county jail.
17 In those counties with an agreement under s. 302.445, the sheriff shall determine
18 whether confinement under this subsection is to be in the tribal jail or the county jail,
19 unless otherwise provided under the agreement. In those counties, the sheriff may
20 transfer persons confined under this subsection between a tribal jail and a county
21 jail, unless otherwise provided under the agreement.

22 (c) While subject to this subsection, the probationer is subject to s. 303.08 (1),
23 (3) to (6), (8) to (12) and (14) or to s. 303.10, whichever is applicable, and to all the
24 rules of the ~~county jail, Huber facility, work camp or tribal jail~~ facility to which the

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1 probationer is confined and to the discipline of the department, if confined to a
2 facility under par. (b), or to the sheriff.

3 **SECTION 2.** 973.09 (4) (b) of the statutes is created to read:

4 973.09 (4) (b) The court, with the consent of the department and when
5 recommended in the presentence investigation of a felony offender, may designate
6 that the place of confinement under this subsection be a facility located in the city
7 of Milwaukee under s. 301.13 or 301.16 (1q), for the purpose of allowing the offender
8 to complete an alcohol and other drug abuse treatment program.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to sentences imposed on the effective date of this
11 subsection.

12

(END)