

2001 DRAFTING REQUEST

Bill

Received: 03/21/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Corrections 7-0922

By/Representing: Robert Pultz

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Correctional System - probation

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Conditions of probation

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>
/P1	nelsorp1 04/23/2001	jdye 04/23/2001	jfrantze 04/24/2001	_____	lrb_docadmin 04/24/2001		
/1	nelsorp1 04/26/2001	jdye 04/27/2001	pgreensl 04/27/2001	_____	lrb_docadmin 04/27/2001	lrb_docadminState 05/09/2001 lrb_docadmin 05/11/2001	

FE Sent For 05/11/2001.

<END>



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/1	nelsorp1 04/26/2001	jdyer 04/27/2001	pgreensl 04/27/2001	_____	lrb_docadmin 04/27/2001	lrb_docadminState 05/09/2001	

Change Custom attributes from S to A
 Send to Rep. Walker

FE Sent For:

05-11-01
(1/1)

Request by
Bob Margolies

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/P1	nelsorp1 04/23/2001	jdyer 04/23/2001	jfrantze 04/24/2001		lrb_docadmin 04/24/2001		
/1	nelsorp1 04/26/2001	jdyer 04/27/2001	pgreensl 04/27/2001		lrb_docadmin 04/27/2001		State

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/P1	nelsorp1 04/23/2001	jdyer 04/23/2001	jfrantze 04/24/2001	<u>4/1/01</u>	lrb_docadmin 04/24/2001		

FE Sent For:

1/4
4/27/01
pg
self
 <END>

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1?	nelsorp1	RP 4/23/01	J 4/24	Self 4/24			

FE Sent For:

<END>

DOC NON-BUDGET STATUTORY LANGUAGE PROPOSAL

TOPIC: Probation Confinement Time.

CURRENT LANGUAGE: 973.09 (4) The court may also require as a condition of probation that the probationer be confined during such period of the term of probation as the court prescribes, but not to exceed one year. The court may grant the privilege of leaving the county jail, Huber facility, work camp or tribal jail during the hours or periods of employment or other activity under s. 303.08(1)(a) to (e) while confined under this subsection. The court may specify the necessary and reasonable hours or periods during which the probationer may leave the jail, Huber facility, work camp or tribal jail or the court may delegate that authority to the sheriff. In those counties without a Huber facility under s. 303.09, a work camp under s. 303.10 or an agreement under s. 302.445, the probationer shall be confined in the county jail. In those counties with a Huber facility under s. 303.09, the sheriff shall determine whether confinement under this subsection is to be in that facility or in the county jail. In those counties with a work camp under s. 303.10, the sheriff shall determine whether confinement is to be in the work camp or the county jail. The sheriff may transfer persons confined under this subsection between a Huber facility or a work camp and the county jail. In those counties with an agreement under s. 302.445, the sheriff shall determine whether confinement under this subsection is to be in the tribal jail or the county jail, unless otherwise provided under the agreement. In those counties, the sheriff may transfer persons confined under this subsection between a tribal jail and a county jail, unless otherwise provided under the agreement. While subject to this subsection, the probationer is subject to s. 303.08(1), (3) to (6), (8) to (12) and (14) or to s. 303.10, whichever is applicable, and to all the rules of the county jail, Huber facility, work camp or tribal jail and the discipline of the sheriff..

PROPOSED CHANGE: 973.09 (4) The court may also require as a condition of probation that the probationer be confined during such period of the term of probation as the court prescribes, but not to exceed one year. The court may grant the privilege of leaving the county jail, Huber facility, work camp or tribal jail during the hours or periods of employment or other activity under s. 303.08(1)(a) to (e) while confined under this subsection. The court may specify the necessary and reasonable hours or periods during which the probationer may leave the jail. Huber facility, work camp or tribal jail or the court may delegate that authority to the sheriff. In those counties without a Huber facility under s. 303.09, a work camp under s.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2909/P1

RPN:.....

D-N

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{gen} relating to: the place of confinement of a person on probation. ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

2 ^{Fix component} SECTION 1. 973.09 (4) of the statutes is ~~renumbered 973.04 (4) (a)~~ and amended

3 to read:

4 973.04 ⁹ (4) (a) The court may also require as a condition of probation that the
5 probationer be confined during such period of the term of probation as the court
6 prescribes, but not to exceed one year. The court may grant the privilege of leaving
7 the county jail, Huber facility, work camp or tribal jail during the hours or periods
8 of employment or other activity under s. 303.08 (1) (a) to (e) while confined under this
9 subsection. The court may specify the necessary and reasonable hours or periods
10 during which the probationer may leave the jail, Huber facility, work camp or tribal

1 jail or the court may delegate that authority to the sheriff. In those counties without
 2 a Huber facility under s. 303.09, a work camp under s. 303.10 or an agreement under
 3 s. 302.445, the probationer shall be confined in the county jail. In those counties with
 4 a Huber facility under s. 303.09, the sheriff shall determine whether confinement
 5 under this subsection is to be in that facility or in the county jail. In those counties
 6 with a work camp under s. 303.10, the sheriff shall determine whether confinement
 7 is to be in the work camp or the county jail. The sheriff may transfer persons confined
 8 under this subsection between a Huber facility or a work camp and the county jail.
 9 In those counties with an agreement under s. 302.445, the sheriff shall determine
 10 whether confinement under this subsection is to be in the tribal jail or the county jail,
 11 unless otherwise provided under the agreement. In those counties, the sheriff may
 12 transfer persons confined under this subsection between a tribal jail and a county
 13 jail, unless otherwise provided under the agreement.

14 (c) While subject to this subsection, the probationer is subject to s. 303.08 (1),
 15 (3) to (6), (8) to (12) and (14) or to s. 303.10, whichever is applicable, and to all the
 16 rules of the ~~county jail, Huber facility, work camp or tribal jail~~ facility to which the
 17 probationer is confined and to the discipline of the department, if confined to a
 18 facility under par. (b), or to the sheriff.

19 History: 1971 c. 298; 1979 c. 119, 189, 238, 355, 356; 1981 c. 50, 85, 326, 352, 391; 1983 a. 27, 104, 254, 346, 519, 538; 1985 a. 150; 1987 a. 347, 398, 403, 412; 1989
 a. 31, 121, 188; 1991 a. 39; 1993 a. 48, 486; 1995 a. 24, 224, 281; 1997 a. 27, 41, 289; 1999 a. 9, 58, 69, 186.

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

21 973.09 (4) (b) The court, with the consent of the department and when
 22 recommended in the present investigation of a felony offender, may designate that
 23 the place of confinement under this subsection be a facility located in the city of
 24 Milwaukee under s. 301.13 or 301.16 (1q), for the purpose of allowing the offender
 to complete an alcohol and drug treatment program.

1 **SECTION 3. Initial applicability.**

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

4 **(END)**

D-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2909/P1dn

RPN.....

date

Jed

I broke this subsection [✓] up into three paragraphs. Let me know if you have any problem with this draft.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2909/P1dn
RPN:jld:jf

April 24, 2001

I broke this subsection up into three paragraphs. Let me know if you have any problem with this draft.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

Barman, Mike

From: Barman, Mike
Sent: Tuesday, April 24, 2001 9:44 AM
To: Robert Margolies
Subject: LRB-2909/P1 (attached)

Mike Barman

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

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

303.10 or an agreement under s. 302.445, the probationer shall be confined in the county jail. In those counties with a Huber facility under s. 303.09, the sheriff shall determine whether confinement under this subsection is to be in that facility or in the county jail. In those counties with a work camp under s. 303.10, the sheriff shall determine whether confinement is to be in the work camp or the county jail. The sheriff may transfer persons confined under this subsection between a Huber facility or a work camp and the county jail. In those counties with an agreement under s. 302.445, the sheriff shall determine whether confinement under this subsection is to be in the tribal jail or the county jail, unless otherwise provided under the agreement. In those counties, the sheriff may transfer persons confined under this subsection between a tribal jail and a county jail, unless otherwise provided under the agreement. While subject to this subsection, the probationer is subject to s. 303.08(1), (3) to (6), (8) to (12) and (14) or to s. 303.10, whichever is applicable, and to all the rules of the ~~county jail, Huber facility, work camp or tribal jail~~ **facility to which they are confined** and the discipline of the sheriff **or department of corrections**. **With consent of the department of corrections and when recommended in the presentence investigation of any felony offender the court may designate that the place of confinement be a facility located in the city of Milwaukee under ss. 301.16 (1q) or 301.13 for the purpose of completing an alcohol and drug treatment program.**

EXPLANATORY NOTE: The proposed change will allow courts and the Department of Corrections to utilize alcohol and other drug abuse treatment programs for felony probationers at the probation and parole holding facility and minimum security prisons located in the City of Milwaukee. When the department makes a recommendation in the presentence investigation that a felony offender is a suitable candidate, the sentencing court will have the flexibility to impose probation condition time at a designated facility for a period of time not to exceed one year or until completion of the treatment program. During phase two of the treatment program the Department and courts would have the flexibility to utilize minimum security prisons for work release, treatment, and other purposes enumerated under s. 303.08 (1).

CONTACT PERSON: Robert G. Pultz, Office of Legal Counsel, 267-0922.

DATE PREPARED: March 12, 2001



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

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

~~This is a preliminary draft. An analysis will be provided in a later version.~~

✓
Insert
AnC →

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

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

4 973.09 (4) (a) The court may also require as a condition of probation that the
5 probationer be confined during such period of the term of probation as the court
6 prescribes, but not to exceed one year. The court may grant the privilege of leaving
7 the county jail, Huber facility, work camp or tribal jail during the hours or periods
8 of employment or other activity under s. 303.08 (1) (a) to (e) while confined under this
9 subsection. The court may specify the necessary and reasonable hours or periods
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2 a Huber facility under s. 303.09, a work camp under s. 303.10 or an agreement under
3 s. 302.445, the probationer shall be confined in the county jail. In those counties with
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7 is to be in the work camp or the county jail. The sheriff may transfer persons confined
8 under this subsection between a Huber facility or a work camp and the county jail.
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10 whether confinement under this subsection is to be in the tribal jail or the county jail,
11 unless otherwise provided under the agreement. In those counties, the sheriff may
12 transfer persons confined under this subsection between a tribal jail and a county
13 jail, unless otherwise provided under the agreement.

14 (c) While subject to this subsection, the probationer is subject to s. 303.08 (1),
15 (3) to (6), (8) to (12) and (14) or to s. 303.10, whichever is applicable, and to all the
16 rules of the county jail, Huber facility, work camp or tribal jail facility to which the
17 probationer is confined and to the discipline of the department, if confined to a
18 facility under par. (b), or to the sheriff.

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

20 973.09 (4) (b) The court, with the consent of the department and when
21 recommended in the ~~present~~^{presentence} investigation of a felony offender, may designate that
22 the place of confinement under this subsection be a facility located in the city of
23 Milwaukee under s. 301.13 or 301.16 (1q), for the purpose of allowing the offender
24 to complete an alcohol and ^{other} drug treatment program.

25 **SECTION 3. Initial applicability.**

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2909/lins
RPN;jld:jf

insert anl:

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.

Memo

Attached is a fiscal estimate prepared for a draft that has not yet been introduced.

LRB Number: LRB 01 - 2909

Version: "/ 1 "

Requested By: DOC (Attn: Bob Margolies)

Entered In Computer And Copy Sent To Requestor:

05/15/01

Fiscal Estimate Prepared By: (agency abbr.) DA

To: LRB – Legal Section PA's

Subject: Fiscal Estimate Received For A Un-Introduced Draft

- If this is **re-drafted** to a new version please attach this early fiscal estimate to the back of the draft's file between the old version and the new version.
- If this draft gets **introduced** ... and the version of the attached fiscal estimate is correct ... please write the drafts intro. number below and give this fiscal estimate to Mike (or Landon) to process.

THIS DRAFT WAS INTRODUCED AS: 2001 AB 418

- If this draft gets **introduced** ... and the version of the attached fiscal estimate is for a previous version ... please attach this early fiscal estimate to the back of the draft's file between the old version and the new version ... and get the ball rolling on getting a fiscal estimate prepared for the introduced version.

Barman, Mike

From: Barman, Mike
Sent: Tuesday, May 15, 2001 1:56 PM
To: Margolies, Robert S. DOC
Subject: LRB-2909/1 (FE by DA - attached - for your review)



FE_DOC.pdf

Fe_doc

Memo

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LRB Number: LRB 01 -2909

Version: "/ 1 "

Requested By: DOC (Attn: Bob Margolies)

Entered In Computer And Copy Sent To Requestor:

05/15/01

Fiscal Estimate Prepared By: (agency abbr.) SPD

To: LRB – Legal Section PA's

Subject: Fiscal Estimate Received For A Un-Introduced Draft

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Barman, Mike

From: Barman, Mike
Sent: Tuesday, May 15, 2001 5:18 PM
To: Margolies, Robert S. DOC
Subject: LRB-2909/1 (FE by SPD - attached - for your review)



FE_DOC.pdf

Fe_doc

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Version: "/ 1 "

Requested By: DOC (Attn: Bob Margolies)

Entered In Computer And Copy Sent To Requestor:

05 / 16 / 01

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To: LRB – Legal Section PA's

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Barman, Mike

From: Barman, Mike
Sent: Wednesday, May 16, 2001 9:26 AM
To: Margolies, Robert S. DOC
Subject: LRB-2909/1 (FE by DOC - Attached - For Your Review)



FE_DOC.pdf

Fe_doc