

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: **06/27/2002**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bauer**

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

Drafter: **rryan**

May Contact:

Addl. Drafters: **mdsida**

Subject: **Criminal Law - sentencing**

Extra Copies:

Submit via email: **NO**

Pre Topic:

LFB:.....Bauer -

Topic:

Truth in sentencing 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	rryan 06/28/2002	kfollet 06/28/2002	jfrantze 06/28/2002	_____	lrb_docadmin 07/01/2002		

FE Sent For:

<END>

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1/1	rryan	1/1 6/28 15/8	6/28	6/28			

FE Sent For:

<END>

Jere Bauer, 6/28/01

3085

To Assem: TIS add:

- (1) Senate sent mod provisions except
 - (a) Class C-E felons - must serve 85% prison time before petition
 - (b) for F-I felons - ~~75~~ 90%
 - (c) only one pet / sent.
 - (d) no sent. mod for persons on ES
 - (e) no provision on how new mod. provision relates to current law appeals
 - (f) no req. that DOC notify persons in custody of the modify petition option or their eligibility dates

- (2) No section on required findings of fact

- (3) ~~to~~ Modify std. for overturning sentence to allow appeals ct. to reverse if there is not substantial evidence in the record to support the sentencing decision.

2001 - 2002 LEGISLATURE
January 2002 Special Session

63085/1
LRB62949/3-
RLR&MGD:cjs:pg
EKJf
RMD

SCC:.....Engel - CN5547, Truth in sentencing modifications
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION
**CAUCUS SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

SA
to SSA 1
to AB 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 7, line 9: delete lines 9 to 20.

3 2. Page 8, line 1: delete lines 1 to 2.

4 3. Page 180, line 19: delete lines 19 and 20.

5 4. Page 186, line 13: after that line insert:

6 "SECTION 373g. 301.03 (3) of the statutes is amended to read:

7 301.03 (3) ~~Administer~~ Subject to sub. (3a), administer parole, extended
8 supervision, and probation matters, except that the decision to grant or deny parole
9 to inmates shall be made by the parole commission, and the decision to revoke
10 probation, extended supervision, or parole in cases in which there is no waiver of the

1 right to a hearing shall be made by the division of hearings and appeals in the
2 department of administration. The secretary may grant special action parole
3 releases under s. 304.02. The department shall promulgate rules establishing a drug
4 testing program for probationers, parolees, and persons placed on extended
5 supervision. The rules shall provide for assessment of fees upon probationers,
6 parolees, and persons placed on extended supervision to partially offset the costs of
7 the program.

8 **SECTION 373r.** 301.03 (2a) of the statutes is created to read:

9 301.03 (3a) The department shall take steps to promote the increased
10 effectiveness of probation, extended supervision, and parole in Brown, Dane,
11 Kenosha, Milwaukee, Racine, and Rock counties. In each of these counties, the
12 department shall, beginning on the first day of the 10th month beginning after the
13 effective date of this subsection [revisor inserts date], develop a partnership with
14 the community, have strategies for local crime prevention, supervise offenders
15 actively, commit additional resources to enhance supervision and purchase services
16 for offenders, establish day reporting centers, and ensure that probation, extended
17 supervision, and parole agents, on average, supervise no more than 25 persons on
18 probation, extended supervision, or parole.”

19 **5.** Page 191, line 22: after “302.045 (3m) (b) 1.” insert “or 973.195 (1)”.

20 **6.** Page 191, line 23: after that line insert:

21 **“SECTION 392m.** 302.113 (3) (a) (intro.) of the statutes is amended to read:

22 302.113 (3) (a) (intro.) The warden or superintendent shall keep a record of the
23 conduct of each inmate subject to this section, specifying each infraction of the rules.

24 If an inmate subject to this section violates an order under s. 973.031 requiring him

1 or her to participate in a drug treatment program, violates any regulation of the
2 prison, or refuses or neglects to perform required or assigned duties, the department
3 may extend the term of confinement in prison portion of the inmate's bifurcated
4 sentence as follows:".

5 **7.** Page 201, line 13: after that line insert:

6 "SECTION 406s. 302.114 (3) (a) (intro.) of the statutes is amended to read:

7 302.114 (3) (a) (intro.) The warden or superintendent shall keep a record of the
8 conduct of each inmate subject to this section, specifying each infraction of the rules.
9 If any an inmate subject to this section violates an order under s. 973.031 requiring
10 him or her to participate in a drug treatment program, violates any regulation of the
11 prison, or refuses or neglects to perform required or assigned duties, the department
12 may extend the extended supervision eligibility date set under s. 973.014 (1g) (a) 1.
13 or 2., whichever is applicable, as follows:".

14 **8.** Page 205, line 20: after that line insert:

15 "SECTION 420m. 302.43 of the statutes is amended to read:

16 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
17 in the amount of one-fourth of his or her term for good behavior if sentenced to at
18 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
19 for time served prior to sentencing under s. 973.155, including good time under s.
20 973.155 (4). An inmate who violates an order under s. 973.031 requiring him or her
21 to participate in a drug treatment program, violates any law or any regulation of the
22 jail, or neglects or refuses to perform any duty lawfully required of him or her, may
23 be deprived by the sheriff of good time under this section, except that the sheriff shall
24 not deprive the inmate of more than 2 days good time for any one offense without the

1 approval of the court. An inmate who files an action or special proceeding, including
2 a petition for a common law writ of certiorari, to which s. 807.15 applies shall be
3 deprived of the number of days of good time specified in the court order prepared
4 under s. 807.15 (3)."

5 **9.** Page 225, line 13: after "302.113 (9g)," insert "adjustment of a bifurcated
6 sentence under s. 973.195". (lr)

7 **10.** Page 293, line 14: after that line insert:

8 "SECTION 939m. 950.04 (1v) (gm) of the statutes is created to read:

9 950.04 (1v) (gm) To have reasonable attempts made to notify the victim of
10 petitions for sentence adjustment as provided under s. 973.195 (1) (d) or (2) (c)."

11 **11.** Page 332, line 13: substitute "302.113 (9g), or 973.195 (1)" for "or 302.113

12 (9g)".

JWS 11-12 →

13 **12.** Page 332, line 13: after that line insert:

14 "SECTION 1132m. 973.01 (5) of the statutes is amended to read:

15 973.01 (5) OTHER EXTENDED SUPERVISION CONDITIONS. Whenever the court
16 imposes a bifurcated sentence under sub. (1), the court may impose conditions upon
17 the term of extended supervision, including drug treatment under s. 973.031."

18 **13.** Page 338, line 22: delete the material beginning with that line and ending
19 with page 339, line 4, and substitute:

20 "(10mm) REQUIRED FINDINGS OF FACT. (a) Except as provided in par. (b), the
21 court shall make explicit findings of fact in open court and on the record to support
22 each element of its sentencing decision, including its decision as to whether to impose
23 a bifurcated sentence under s. 973.01 or to place a person on probation and its
24 decision as to the length of a bifurcated sentence, including the length of each

1 component of the bifurcated sentence, the amount of a fine, and the length of a term
2 of probation.

3 (b) If the court determines that is not in the interest of the defendant to make
4 the findings of fact required under par. (a) in the defendant's presence, the court shall
5 make the findings of fact in writing and include the written findings in the record.

6 **(11m) STANDARD OF REVIEW ON APPEAL.** In an appeal from a court's sentencing
7 decision, the appellate court shall reverse the sentencing decision if it determines
8 that the sentencing court erroneously exercised its discretion in making the
9 sentencing decision or there is not substantial evidence in the record to support the
10 sentencing decision."

11 **14.** Page 339, line 9: after that line insert:

12 "SECTION 1137m. 973.031 of the statutes is created to read:

13 **973.031 Court-ordered drug treatment.** When the court imposes a
14 sentence or places a person on probation for any offense committed on or after the
15 effective date of this section [revisor inserts date], the court may order the person
16 to participate in a drug treatment program as a condition of probation or, in the case
17 of a person sentenced under s. 973.01, while the person is in prison or as a condition
18 of extended supervision or both. The court may order the department to pay for the
19 cost of drug treatment under this section from the appropriation under s. 20.410 (1)
20 (a) for persons in jail or prison or under s. 20.410 (1) (b) for persons on probation or
21 extended supervision."

22 **15.** Page 339, line 17: after that line insert:

23 "SECTION 1141m. 973.09 (6) of the statutes is created to read:

1 973.09 (6) The court may require as a condition of probation that the person
2 participate in a drug treatment program under s. 973.031.”

3 **16.** Page 342, line 6: after that line insert:

4 **“SECTION 1143m. 973.195** of the statutes is created to read:
5

6 **973.195 SENTENCE ADJUSTMENT. (1) CONFINEMENT IN PRISON.** (a) An inmate
7 who is serving a sentence imposed under s. 973.01 for a crime other than a Class B
8 felony may petition the sentencing court to adjust the sentence if the inmate has
9 served at least ~~25 percent~~ ^{the applicable percentage} of the term of confinement in prison portion of the sentence.
10 If an inmate is subject to more than one sentence imposed under this section, the
11 sentences shall be treated individually for purposes of sentence adjustment under
12 this subsection.

13 (b) Any of the following is a ground for a petition under par. (a):

14 1. The inmate's conduct, efforts at and progress in rehabilitation, or
15 participation and progress in education, treatment, or other correctional programs
16 since he or she was sentenced.

17 3. A change in law or procedure related to sentencing or revocation of extended
18 supervision effective after the inmate was sentenced that would have resulted in a
19 shorter term of confinement in prison or, if the inmate was returned to prison upon
20 revocation of extended supervision, a shorter period of confinement in prison upon
21 revocation, if the change had been applicable when the inmate was sentenced.

22 4. The inmate is subject to a sentence of confinement in another state or the
23 inmate is in the United States illegally and may be deported.

5. Sentence adjustment is otherwise in the interests of justice.

JNS 6-5

1 (c) Upon receipt of a petition filed under par. (a), the sentencing court may deny
2 the petition or hold the petition for further consideration. If the court holds the
3 petition for further consideration, the court shall notify the district attorney of the
4 inmate's petition. If the district attorney objects to adjustment of the inmate's
5 sentence within 45 days of receiving notification under this paragraph, the court
6 shall deny the inmate's petition.

7 (d) If the sentence for which the inmate seek's adjustment is for an offense
8 under s. 940.225 (2) or (3), 948.02 (2), or 948.08 and the district attorney does not
9 object to the petition within 10 days of receiving notice under par. (c), the district
10 attorney shall notify the the victim, as defined under s. 950.02 (4), of the inmate's
11 petition. The notice to the victim shall include information on the sentence
12 adjustment petition process under this subsection, including information on how to
13 object to the inmate's petition. If the victim objects to adjustment of the inmate's
14 sentence within 45 days of the date on which the district attorney received notice
15 under par. (c), the court shall deny the inmate's petition.

16 (e) Notwithstanding the confidentiality of victim address information obtained
17 under s. 302.113 (9g) (g) 3., a district attorney who is required to send notice to a
18 victim under par. (d) ~~or sub. (2)(c)~~ may obtain from the clerk of the circuit court victim
19 address information that the victim provided to the clerk under s. 302.113 (9g) (g) 3.

20 (f) If the sentencing court receives no objection to sentence adjustment from the
21 district attorney under par. (c) or the victim under par. (d) and the court determines
22 that sentence adjustment is in the public interest, the court may adjust the inmate's
23 sentence as provided under par. (g). The court shall include in the record written
24 reasons for any sentence adjustment granted under this subsection.

1 (g) Except as provided under par. (h), the only sentence adjustments that a
2 court may make under this subsection are as follows:

3 1. If the inmate is serving the term of confinement in prison portion of the
4 sentence, a reduction in the term of confinement in prison by the amount of time
5 remaining in the term of confinement in prison portion of the sentence, less up to 30
6 days, and a corresponding increase in the term of extended supervision.

7 2. If the inmate is confined in prison upon revocation of extended supervision,
8 a reduction in the amount of time remaining in the period of confinement in prison
9 imposed upon revocation, less up to 30 days, and a corresponding increase in the term
10 of extended supervision.

11 (h) 1. If the court adjusts a sentence under par. (g) on the basis of a change in
12 law or procedure as provided under par. (b) 3. and the total sentence length of the
13 adjusted sentence is greater than the maximum sentence length that the offender
14 could have received if the change in law or procedure had been applicable when the
15 inmate was originally sentenced, the court may reduce the length of the term of
16 extended supervision so that the total sentence length does not exceed the maximum
17 sentence length that the offender could have received if the change in law or
18 procedure had been applicable when the inmate was originally sentenced.

19 2. If the court adjusts a sentence under par. (g) on the basis of a change in law
20 or procedure as provided under par. (b) 3. and the adjusted term of extended
21 supervision is greater than the maximum term of extended supervision that the
22 offender could have received if the change in law or procedure had been applicable
23 when the inmate was originally sentenced, the court may reduce the length of the
24 term of extended supervision so that the term of extended supervision does not
25 exceed the maximum term of extended supervision that the offender could have

1 received if the change in law or procedure had been applicable when the inmate was
2 originally sentenced.

3 (i) If an inmate's petition under this subsection is denied, the inmate may not
4 submit another petition concerning the same sentence within 3 years of the date that
5 the petition was denied. An inmate may submit ^{only one} ~~no more than 2~~ petitions under this
6 subsection for each sentence imposed under s. 973.01.

7 (2) EXTENDED SUPERVISION. (a) A person who is serving a term of extended
8 supervision imposed under s. 973.01 for a crime other than a Class B felony may
9 petition the sentencing court to adjust the length of the term of extended supervision
10 if the person has served at least 25 percent of the term of extended supervision and
11 if a change law or procedure related to sentencing or revocation of extended
12 supervision effective after the person was sentenced would have resulted in either
13 a shorter total sentence or a shorter term of extended supervision had the change
14 been applicable when the person was sentenced. If a petitioner is subject to more
15 than one term of extended supervision imposed under s. 973.01, the terms of
16 extended supervision shall be treated individually for purposes of adjustment under
17 this subsection.

18 (b) Upon receipt of a petition filed under par. (a), the sentencing court may deny
19 the petition or hold the petition for further consideration. If the court holds the
20 petition for further consideration, the court shall notify the district attorney of the
21 petition. If the district attorney objects to adjustment of the petitioner's term of
22 extended supervision within 15 days of receiving notification under this paragraph,
23 the court shall deny the petition.

24 (c) If the term of extended supervision for which the petitioner seeks
25 adjustment was imposed for an offense under s. 940.225 (2) or (3), 948.02 (2), or

1 948.08 and the district attorney does not object to the petition within 10 days of
2 receiving notice under par. (b), the district attorney shall notify the the victim, as
3 defined under s. 950.02 (4), of the petition. The district attorney may obtain victim
4 address information as provided under sub. (1) (e). The notice to the victim shall
5 include information on the extended supervision adjustment petition process under
6 this subsection, including information on how to object to the petitioner's petition.
7 If the victim objects to adjustment of the petitioner's term of extended supervision
8 within 45 days of the date on which the district attorney received notice under par.
9 (b), the court shall deny the petition.

10 (d) If the sentencing court receives no objection to sentence adjustment from
11 the district attorney under par. (b) or the victim under par. (c) and the court
12 determines that adjustment of the term of extended supervision is in the public
13 interest, the court may adjust the petitioner's term of extended supervision so that
14 the total sentence length and the term of extended supervision are no longer than
15 they could have been if the change in law or procedure had been applicable at the
16 time the person was sentenced. The court shall include in the record written reasons
17 for any adjustment granted under this subsection.

18 (e) If a person's petition under this subsection is denied, the person may not
19 submit another petition under this subsection concerning the same term of extended
20 supervision within 3 years of the date that the petition was denied. A person may
21 submit no more than 2 petitions under this subsection for each term of extended
22 supervision imposed under s. 973.01.

23 (3) OTHER PETITIONS. Filing a petition under this section does not affect a
24 person's right to file a petition for sentence modification under s. 809.30 or 973.19 or

1 to petition the sentencing court for sentence modification on the basis of a new
2 factor.”.

3 **17.** Page 355, line 9: after that line insert:

4 “(5q) NOTICE REGARDING CHANGES IN SENTENCING LAW.

5 (a) In this subsection, “department” means the department of corrections.

6 (b) If a person is serving a bifurcated sentence or, after having a bifurcated
7 sentence imposed and stayed, is on probation on the last day of the 6th month
8 beginning after the effective date of this paragraph, the department shall calculate
9 the maximum term of imprisonment, the maximum term of confinement, and the
10 maximum term of extended supervision to which the person would have been subject
11 if all provisions of this act had been in effect on the date on which the inmate
12 committed his or her offense. The department shall notify the person of the results
13 of that calculation no later than the first day of the 9th month beginning after the
14 effective date of this paragraph if the person is still serving that sentence or is still
15 on probation on that date.”.

16 **18.** Page 355, line 9: after that line insert:

17 “(6q) INITIAL IMPLEMENTATION OF CASELOAD REDUCTION REQUIREMENTS. The
18 department of corrections shall develop a plan to implement section 301.03 (3a) of
19 the statutes, as created by this act, which it shall submit to the joint committee on
20 finance no later than the first day of the 2nd month beginning after the effective date
21 of this subsection. No later than the first day of the 4th month beginning after the
22 effective date of this subsection, the department shall begin reducing caseloads for
23 probation, extended supervision, and parole agents in Brown, Dane, Kenosha,

1 Milwaukee, Racine, and Rock counties who supervise more than 25 persons on
2 probation, extended supervision, or parole.”

3 **19.** Page 443, line 9: after “(2) (b) 5,” insert “973.01 (5).”

4 **20.** Page 443, line 19: substitute “973.017, and 973.09 (6)” for “and 973.017”.

5 **21.** Page 446, line 21: delete lines 21 and 22 and substitute:

6 “(1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of section
7 13.525 (5) of the statutes”.

8 **22.** Page 446, line 22: delete “13.525 (5m) of the statutes,”.

9 **23.** Page 447, line 1: delete lines 1 to 2.

10 **24.** Page 450, line 20: delete that line and substitute “(1p), 302.113 (3) (a)
11 (intro.), 302.113 (7), 302.113 (9) (b), 302.113 (9) (c), 302.114 (3) (a) (intro.), 302.114 (9)
12 (b), 302.114 (9) (bm), 302.43.”

13 **25.** Page 454, line 13: after “(2) (b) 5,” insert “973.01 (5).”

14 **26.** Page 454, line 23: before “950.04” insert “950.04^v (1v) (gm).”

15 **27.** Page 455, line 2: delete “973.15 (2m),” and substitute “973.031, 973.09 (6),
16 973.15 (2m), 973.195.”

17 (END)

INS 12-16
17

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb3085/lins
RLR:.....

1 **Insert 4-12:**

2 **1.** Page 338, line 20: delete "only".

3 **2.** Page 338, line 21: after "decision" insert "or there is not substantial evidence
4 in the record to support the sentencing decision".

5

6 **Insert 6-5:**

7 **(1g)** In this section, "applicable percentage" means 85 percent for a Class C to
8 E felony and 75 percent for a Class F to I felony.

9

10 **Insert 12-16:**

11 **3.** Page 455, line 2: after "973.15 (2m)," insert "973.195".

12



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb3085/1
RLR&MGD:cjs&kjfjf

LFB:.....Bauer – Truth in sentencing modifications

FOR 2001-03 BUDGET -- NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 7, line 9: delete lines 9 to 20.

3 **2.** Page 8, line 1: delete lines 1 to 2.

4 **3.** Page 191, line 22: after "302.045 (3m) (b) 1." insert "or 973.195 (1r)".

5 **4.** Page 225, line 13: after "302.113 (9g)," insert "adjustment of a bifurcated
6 sentence under s. 973.195 (1r)".

7 **5.** Page 293, line 14: after that line insert:

8 "SECTION 939m. 950.04 (1v) (gm) of the statutes is created to read:

9 950.04 (1v) (gm) To have reasonable attempts made to notify the victim of
10 petitions for sentence adjustment as provided under s. 973.195 (1r) (d).".

1 **6.** Page 332, line 13: substitute “302.113 (9g), or 973.195 (1r)” for “or 302.113
2 (9g)”.

3 **7.** Page 338, line 20: delete “only”.

4 **8.** Page 338, line 21: after “decision” insert “or there is not substantial evidence
5 in the record to support the sentencing decision”.

6 **9.** Page 342, line 6: after that line insert:

7 “**SECTION 1143m.** 973.195 of the statutes is created to read:

8 **973.195 Sentence adjustment. (1g)** In this section, “applicable percentage”
9 means 85 percent for a Class C to E felony and 75 percent for a Class F to I felony.

10 **(1r) CONFINEMENT IN PRISON.** (a) An inmate who is serving a sentence imposed
11 under s. 973.01 for a crime other than a Class B felony may petition the sentencing
12 court to adjust the sentence if the inmate has served at least the applicable
13 percentage of the term of confinement in prison portion of the sentence. If an inmate
14 is subject to more than one sentence imposed under this section, the sentences shall
15 be treated individually for purposes of sentence adjustment under this subsection.

16 (b) Any of the following is a ground for a petition under par. (a):

17 1. The inmate’s conduct, efforts at and progress in rehabilitation, or
18 participation and progress in education, treatment, or other correctional programs
19 since he or she was sentenced.

20 3. A change in law or procedure related to sentencing or revocation of extended
21 supervision effective after the inmate was sentenced that would have resulted in a
22 shorter term of confinement in prison or, if the inmate was returned to prison upon
23 revocation of extended supervision, a shorter period of confinement in prison upon
24 revocation, if the change had been applicable when the inmate was sentenced.

1 4. The inmate is subject to a sentence of confinement in another state or the
2 inmate is in the United States illegally and may be deported.

3 5. Sentence adjustment is otherwise in the interests of justice.

4 (c) Upon receipt of a petition filed under par. (a), the sentencing court may deny
5 the petition or hold the petition for further consideration. If the court holds the
6 petition for further consideration, the court shall notify the district attorney of the
7 inmate's petition. If the district attorney objects to adjustment of the inmate's
8 sentence within 45 days of receiving notification under this paragraph, the court
9 shall deny the inmate's petition.

10 (d) If the sentence for which the inmate seek's adjustment is for an offense
11 under s. 940.225 (2) or (3), 948.02 (2), or 948.08 and the district attorney does not
12 object to the petition within 10 days of receiving notice under par. (c), the district
13 attorney shall notify the the victim, as defined under s. 950.02 (4), of the inmate's
14 petition. The notice to the victim shall include information on the sentence
15 adjustment petition process under this subsection, including information on how to
16 object to the inmate's petition. If the victim objects to adjustment of the inmate's
17 sentence within 45 days of the date on which the district attorney received notice
18 under par. (c), the court shall deny the inmate's petition.

19 (e) Notwithstanding the confidentiality of victim address information obtained
20 under s. 302.113 (9g) (g) 3., a district attorney who is required to send notice to a
21 victim under par. (d) may obtain from the clerk of the circuit court victim address
22 information that the victim provided to the clerk under s. 302.113 (9g) (g) 3.

23 (f) If the sentencing court receives no objection to sentence adjustment from the
24 district attorney under par. (c) or the victim under par. (d) and the court determines
25 that sentence adjustment is in the public interest, the court may adjust the inmate's

1 sentence as provided under par. (g). The court shall include in the record written
2 reasons for any sentence adjustment granted under this subsection.

3 (g) Except as provided under par. (h), the only sentence adjustments that a
4 court may make under this subsection are as follows:

5 1. If the inmate is serving the term of confinement in prison portion of the
6 sentence, a reduction in the term of confinement in prison by the amount of time
7 remaining in the term of confinement in prison portion of the sentence, less up to 30
8 days, and a corresponding increase in the term of extended supervision.

9 2. If the inmate is confined in prison upon revocation of extended supervision,
10 a reduction in the amount of time remaining in the period of confinement in prison
11 imposed upon revocation, less up to 30 days, and a corresponding increase in the term
12 of extended supervision.

13 (h) 1. If the court adjusts a sentence under par. (g) on the basis of a change in
14 law or procedure as provided under par. (b) 3. and the total sentence length of the
15 adjusted sentence is greater than the maximum sentence length that the offender
16 could have received if the change in law or procedure had been applicable when the
17 inmate was originally sentenced, the court may reduce the length of the term of
18 extended supervision so that the total sentence length does not exceed the maximum
19 sentence length that the offender could have received if the change in law or
20 procedure had been applicable when the inmate was originally sentenced.

21 2. If the court adjusts a sentence under par. (g) on the basis of a change in law
22 or procedure as provided under par. (b) 3. and the adjusted term of extended
23 supervision is greater than the maximum term of extended supervision that the
24 offender could have received if the change in law or procedure had been applicable
25 when the inmate was originally sentenced, the court may reduce the length of the

1 term of extended supervision so that the term of extended supervision does not
2 exceed the maximum term of extended supervision that the offender could have
3 received if the change in law or procedure had been applicable when the inmate was
4 originally sentenced.

5 (i) An inmate may submit only one petition under this subsection for each
6 sentence imposed under s. 973.01.”.

7 **10.** Page 446, line 21: delete lines 21 and 22 and substitute:

8 “(1) JOINT REVIEW COMMITTEE ON CRIMINAL PENALTIES. The treatment of section
9 13.525 (5) of the statutes”.

10 **11.** Page 446, line 23: delete “13.525 (5m) of the statutes,”.

11 **12.** Page 447, line 1: delete lines 1 to 2.

12 **13.** Page 454, line 23: before “950.04” insert “950.04 (1v) (gm),”.

13 **14.** Page 455, line 2: after “973.15 (2m),” insert “973.195,”.

14

(END)