

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Correctional System - int sanct

Extra Copies: rpn

Submit via email: NO

Requester's email:

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**Pre Topic:**

SDC:.....Keckhaver - CN5523,

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**Topic:**

Intensive sanctions

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**Instructions:**

See Attached

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**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>
/?	mdsida 06/18/2001	hhagen 06/18/2001		_____			
/1		jdye 06/19/2001	pgreensl 06/18/2001	_____	lrb docadmin 06/18/2001		
/2			kfollet 06/19/2001	_____	gretskl 06/19/2001		

FE Sent For:

<END>

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/?	mdsida 06/18/2001	hhagen 06/18/2001					
/1		1/2 9/19 jld	pgreensl 06/18/2001		lrb_docadmin 06/18/2001		
			KY 6/19 JBR JK	18/1 46			

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1?	mdsida	11 hmk cel18101	66 18 PS	cmh 6/18			

FE Sent For:

<END>

CORRECTIONS - COMMUNITY CORRECTIONS

Intensive Sanctions

[Re: LFB Paper # 354]

Motion:

Alternative A2, B1

CN5523

Explanation:

See paper #354.

Fiscal Effect: -\$2,083,700 GPR and 29 positions

M6D

(1)(a)	29,500	64,100	
(b)	355,800	1,182,600	
	9.25	29.0	- positions
(d)	312,000	960,000	

(i) (ab) < > < >

**Agency: Corrections**

caucus number 1114

duplicate flag:  
duplicate with:

Other reference numbers: Paper 354	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Intensive Sanctions Program. Adopt alt A2 and B1 from Paper 354 to place 400 offenders in the Intensive Sanctions Program and make the necessary statutory changes to reinstitute the program. There is a net GPR savings of \$2,083,700.

**other notes**

Description2:

drafting instructions:

more instructions:

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Agency: Corrections

Number of Amendments: 1

MGD

CN1114

DEPARTMENT OF CORRECTIONS—COMMUNITY CORRECTIONS

Adopt Alternatives A 2 and B 1 from LFB Paper #354 to place 400 offenders in the Intensive Sanctions Program and make the necessary statutory changes to reinstitute the program. There is a net GPR savings of \$2,083,700 GPR.



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

CD1114

May 31, 2001

Joint Committee on Finance

Paper #354

### Intensive Sanctions Program (DOC -- Community Corrections)

#### CURRENT LAW

A person may be sentenced by the court to the intensive sanctions program for a felony offense occurring between August 15, 1991, and December 30, 1999. A person sentenced for a felony occurring on or after December 31, 1999: (a) may not be sentenced to the program; (b) is not eligible for the program while serving the confinement portion of a bifurcated sentence; and (c) may be placed in the program as a condition of extended supervision.

#### GOVERNOR

No provision.

#### DISCUSSION POINTS

1. The Department of Corrections administers the intensive sanctions program. The program is designed to provide: (a) punishment that is less costly than ordinary imprisonment and more restrictive than ordinary probation or parole supervision or extended supervision; (b) component phases that are intensive and highly structured; and (c) a series of component phases for each participant that is based on public safety considerations and a participant's needs for punishment and treatment. The component phases are required to include one or more of the following sanctions: (a) confinement; (b) intensive or other field supervision; (c) electronic monitoring; (d) community service; (e) restitution; and (f) other programs as prescribed by the Department.

2. A person may be sentenced by the court to the intensive sanctions program for a felony offense occurring between August 15, 1991, and December 30, 1999. A person not



sentenced under a bifurcated sentence may also enter the intensive sanctions program if: (a) the person is a prisoner serving a felony sentence not punishable by life imprisonment and the Department of Corrections directs the person to participate in the program; or (b) the Parole Commission grants the person parole and requires the person to participate in the program as a condition of parole. Further, a person may be placed in the program if the Department and the person agree to his or her participation in the program as an alternative to revocation of probation, extended supervision or parole. Finally, a person sentenced for a felony occurring on or after December 31, 1999: (a) may not be sentenced to the program; (b) is not eligible for the program while serving the confinement portion of a bifurcated sentence; and (c) may be placed in the program as a condition of extended supervision.

3. In 1999 Act 9, the intensive sanctions program was modified to specify that a person who at any time has been convicted, adjudicated delinquent or found not guilty by reason of mental disease for a violent offense is not eligible for the program. As a result, individuals convicted of the following crimes may not be sentenced or placed in the program: (a) first-degree intentional homicide; (b) first-degree reckless homicide; (c) felony murder; (d) second-degree intentional homicide; (e) second-degree reckless homicide; (f) homicide by negligent handling of a dangerous weapon, explosives or fire; (g) homicide by intoxicated use of a vehicle or firearm; (h) homicide by negligent operation of a vehicle; (i) certain battery offenses causing substantial or great bodily harm; (j) certain battery offenses to an unborn child causing substantial or great bodily harm; (k) special circumstance battery offenses; (l) battery or threats to witnesses; (m) battery or threat to a judge; (n) mayhem; (o) first-, second- and third-degree sexual assault; (p) reckless injury; (q) intentional or reckless maltreatment of vulnerable adults; (r) abuse of residents of penal facilities; (s) certain abuse and neglect of patients and residents; (t) kidnapping; (u) certain intimidation of a witness or victim offenses; (v) certain endangering safety by use of a dangerous weapon offenses; (w) sale, use, possession or transportation of machine guns or other weapons; (x) recklessly endangering safety; (z) tampering with household products; (aa) damage to the property of any person who serves on a grand or petit jury because of a verdict or indictment; (bb) damage or threat to property of a witness; (cc) damage or threat to property of a judge; (dd) arson; (ee) damage of property by explosives; (ff) arson with intent to defraud; (gg) sale, use, possession, manufacture or transportation of molotov cocktails; (hh) armed burglary; (ii) carjacking; (jj) threats to injure or accuse of a crime; (kk) robbery; (ll) assaults by prisoners; (mm) bomb scares; (nn) first- or second-degree sexual assault of a child; (oo) repeated acts of sexual assault with the same child; (pp) physical abuse of a child; (qq) causing mental harm to a child; (rr) sexual exploitation of a child; (ss) incest with a child; (tt) child enticement; (uu) solicitation of a child for prostitution; and (vv) abduction of another's child. In addition to the crimes listed above, violent offenses also include a crime under federal law, the law of another state or, prior to October 29, 1999, any Wisconsin law that is comparable to the crimes listed above. The modifications enacted in Act 9 were first applicable to persons placed in or sentenced to the program on October 29, 1999.

4. In September, 1997, the Department of Corrections administratively discontinued the use of the intensive sanctions program. As a result, the Department no longer administratively transfers offenders to intensive sanctions or uses the program as an alternative to the revocation of probation or parole. In addition, offenders are no longer paroled to the program. The number of

offenders in the program has decreased from a high of 1,628 offenders in the community in September, 1997, to 37 in May, 2001.

5. In SB 55, funding and positions associated with the intensive sanctions program (\$3,183,300 GPR in 2001-02 and \$3,185,400 GPR and 24.0 GPR positions annually) are reallocated to support increased community corrections resources in the probation, extended supervision and parole program.

6. In February, 1998, a review panel appointed by the Governor to evaluate the intensive sanctions program issued its recommendations. The panel expressed a number of concerns and criticisms of the program related to program administration, uses of the program and its mission. The panel's recommendations, generally, would have shifted the focus of the program to the supervision of high risk offenders after completion of their prison sentence (a "strict supervision" model). This proposal would have changed the statutory focus of the program from punishment that is less costly than ordinary imprisonment and more restrictive than ordinary probation or parole supervision, to an intensive probation and parole supervision program for high risk offenders at mandatory release from prison. To the extent that the panel's recommendations did not allow for earlier release of offenders to community supervision, but rather allowed for more intensive supervision of high risk offenders upon release, the "strict supervision" model would not have resulted in reduced costs.

7. In August, 1999, the Criminal Penalties Study Committee (a Committee created to recommend modifications to the bifurcated sentencing structure created in 1997 Act 283) recommended that community supervision of offenders serving extended supervision sentences be designed in a manner similar to the intensive sanctions review panel's "strict supervision" model. The Criminal Penalties Study Committee made no recommendations that would have allowed the intensive sanctions program to be utilized under a bifurcated sentence prior to an offender reaching the court-imposed extended supervision sentence.

8. To the extent that inmates are placed in the intensive sanctions program and are subsequently placed in the community, institutional prison populations are reduced. According to Corrections' 2000 Annual Fiscal Report, the annual cost per offender in the intensive sanctions program in 1999-00 was \$11,400, compared with the average cost of a correctional facility placement of \$22,600 annually. Currently, out-of-state contract prison beds cost \$16,100 annually.

9. As designed, the intensive sanctions program provided staffing at a one agent for every 25 offenders ratio, with approximately \$2,400 annually for the purchase of services for offenders. In addition, security supervision was provided on a one correctional officer to every 68 offender basis. Under the probation, extended supervision and parole program, agents currently have a budgeted caseload of approximately 54 offenders and a purchase of services budget of approximately \$237 per offender. Further, the probation, extended supervision and parole program does not utilize correctional officers.

10. Since the intensive sanctions program is designed to be "less costly than ordinary

imprisonment," the Committee could consider making some statutory modifications to the program to allow it to be used under bifurcated sentencing and providing funding and staff to support some modest level of program participation. Given that the program has been administratively discontinued and that funding and positions are reallocated under the bill to probation and parole staffing and purchase of services for offenders, it is assumed that additional resources would need to be provided in order for the intensive sanction program to be utilized in the 2001-03 biennium.

11. Given that state correctional institutions currently exceed operating capacity, inmate population growth is generally addressed by placing inmates in out-of-state contract beds. The following table indicates potential program costs and corresponding contract bed reductions that could be made if the intensive sanctions program was reestablished. The cost estimates assume that offenders will begin entering the program in January, 2002. During this period Corrections could begin to prepare for program initiation, identify offenders sentenced to prison for crimes occurring before December 31, 1999, who would be eligible for administrative transfer or parole to the program and inform the courts of the program as a revised sentencing option.

<u>Alternative</u>	<u>2001-02</u>		<u>2002-03</u>		<u>2001-03</u>
	<u>Amount</u>	<u>Positions</u>	<u>Amount</u>	<u>Positions</u>	<u>Amount</u>
<b>300 Offenders:</b>					
Program Costs	\$493,500	6.75	\$1,791,000	21.50	\$2,284,500
Contract Bed Offset	<u>-396,400</u>	<u>0.00</u>	<u>-3,182,200</u>	<u>0.00</u>	<u>-3,578,600</u>
Total	\$97,100	6.75	-\$1,391,200	21.50	-\$1,294,100
<b>400 Offenders:</b>					
Program Costs	\$697,300	9.25	\$2,206,700	29.00	\$2,904,000
Contract Bed Offset	<u>-566,300</u>	<u>0.00</u>	<u>-4,421,400</u>	<u>0.00</u>	<u>-4,987,700</u>
Total	\$131,000	9.25	-\$2,214,700	29.00	-\$2,083,700

12. In the table, the number of offenders (300 or 400) was established at a level that: (a) would generate cost savings; and (b) was assumed to be reasonable to achieve within the 2001-03 biennium.

13. The Committee should note that while the truth-in-sentencing law prohibits the use of the intensive sanctions program as part of the confinement portion of a bifurcated sentence, a person serving a bifurcated sentence may be eligible for the challenge incarceration program ("boot camp") if the sentencing court specifies that he or she is eligible. If an eligible person successfully completes the challenge incarceration program, a judge is required to reduce the prison portion of the sentence so the person is released to supervision, while the supervision portion of the sentence is increased by a corresponding amount, resulting in the same total sentence length.

14. If the Committee wishes, the intensive sanctions program could be modified in a manner similar to the challenge incarceration program to permit intensive sanctions to be used as an

alternative to a prison placement for offenders sentenced for crimes occurring on or after December 31, 1999. The following modifications could be made:

a. Delete the requirement that a judge may not sentence an individual to the intensive sanctions program for an offense that occurs on or after December 31, 1999.

b. Delete the provision that an offender convicted of an offense that occurs on or after December 31, 1999 is not eligible for the program while serving the confinement portion of a bifurcated sentence.

c. Allow a judge at sentencing to determine if an offender is eligible for the program. Allow a sentencing judge to determine the date at which an offender may be eligible for release to the community portion of the program but specify that this may be no sooner than one year (the minimum amount of time an offender must serve in prison under a bifurcated sentence) or longer than two years (under current law, the maximum confinement time under the intensive sanction program is two years for offenses occurring before December 31, 1999).

d. Require that the determination to place a person sentenced under a bifurcated sentence in the community portion of the intensive sanctions program is solely the discretion of the sentencing court, based on a recommendation from the Department of Corrections at the time of the potential placement decision.

e. Provide that if a judge decides to hold a hearing regarding a potential intensive sanctions community placement, the court would be required to provide victim notification and allow victim statements at the hearing.

f. Provide that if a judge decides to hold a hearing regarding a potential intensive sanctions community placement, the court would be required to notify the district attorney in the county that originally prosecuted the case.

## ALTERNATIVES TO BILL

### A. Intensive Sanctions Program Funding

1. Provide \$493,500 and 6.75 positions in 2001-02 and \$1,791,000 and 21.5 positions in 2002-03 to staff and fund the intensive sanctions program to support a population of 300 offenders. Reduce prison contract bed funding by \$396,400 in 2001-02 and \$3,182,200 in 2002-03 associated with decreased prison populations.

<u>Alternative 1</u>	<u>GPR</u>
2001-03 FUNDING (Change to Bill)	- \$1,294,100
2002-03 POSITIONS (Change to Bill)	21.50

2. Provide \$697,300 and 9.25 positions in 2001-02 and \$2,206,700 and 29.0 positions in 2002-03 to staff and fund the intensive sanctions program to support a population of 400 offenders. Reduce prison contract bed funding by \$566,300 in 2001-02 and \$4,421,400 in 2002-03 associated with decreased prison populations.

<b>Alternative 2</b>	<b>GPR</b>
<b>2001-03 FUNDING</b> (Change to Bill)	- \$2,083,700
<b>2002-03 POSITIONS</b> (Change to Bill)	29.00

3. Take no action.

**B. Statutory Modifications**

1. Modify current statutory language related to use of the intensive sanctions program under truth-in-sentencing to: (a) delete the requirement that a judge may not sentence an individual to the intensive sanctions program for an offense that occurs on or after December 31, 1999; (b) delete the provision that an offender convicted of an offense that occurs on or after December 31, 1999 is not eligible for the program while serving the confinement portion of a bifurcated sentence; (c) allow a judge at sentencing to determine if an offender is eligible for the program; (d) allow a sentencing judge to determine the date at which an offender may be eligible for release to the community portion of the program, but specify that this may be no sooner than one year or longer than two years; (e) require that the determination to place a person sentenced under a bifurcated sentence in the community portion of the intensive sanctions program is solely the discretion of the sentencing court, based on a recommendation from the Department of Corrections at the time of the potential placement decision; (f) specify that if a judge decides to hold a hearing regarding a potential intensive sanctions community placement, the court is required to provide victim notification and to allow victim statements at the hearing; and (g) specify that if a judge decides to hold a hearing regarding a potential intensive sanctions community placement, the court is required to notify the district attorney in the county that originally prosecuted the case.

2. Take no action.

Prepared by: Jere Bauer



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb0783/2  
MGD: *hmk*

①

SDC:.....Keckhaver – CN5523, Intensive sanctions

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

*insert from p. 2*

*Substitute amendment*

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

2 1. Page <sup>195</sup> ~~7~~, line <sup>3</sup> ~~7~~: increase the dollar amount for fiscal year 2001-02 by ~~\$2000~~ <sup>29,500</sup>  
3 and increase the dollar amount for fiscal year 2002-03 by ~~\$2000~~ <sup>64,100</sup> for the purpose of  
4 expanding the intensive sanctions program.

5 2. Page <sup>195</sup> ~~7~~, line <sup>8</sup> ~~7~~: increase the dollar amount for fiscal year 2001-02 by ~~\$2000~~ <sup>355,800</sup>  
6 ~~and increase the dollar amount for fiscal year 2002-03 by \$2000~~ to increase the  
7 authorized FTE positions for the department of corrections by 9.25 GPR positions for  
8 expanding the intensive sanctions program.

9 3. Page <sup>195</sup> ~~7~~, line <sup>8</sup> ~~7~~: ~~increase the dollar amount for fiscal year 2001-02 by \$2000~~  
10 ~~and~~ increase the dollar amount for fiscal year 2002-03 by ~~\$2000~~ <sup>1,182,600</sup> to increase the

1 authorized FTE positions for the department of corrections by 29.0 GPR positions for  
2 expanding the intensive sanctions program.

3 4. Page <sup>196</sup> 2, line <sup>4</sup> 2: increase the dollar amount for fiscal year 2001-02 by \$<sup>312,000</sup> ~~200~~  
4 and increase the dollar amount for fiscal year 2002-03 by \$<sup>960,000</sup> ~~200~~ for the purpose of  
5 expanding the intensive sanctions program.

6 5. Page <sup>195</sup> 3, line <sup>7</sup> 3: ~~in~~decrease the dollar amount for fiscal year 2001-02 by \$<sup>566,300</sup> ~~722~~  
7 and ~~in~~decrease the dollar amount for fiscal year 2002-03 by \$<sup>4,421,400</sup> ~~722~~ for the purpose  
8 of reducing the number of prisoners confined in out-of-state prisons.

9 6. Page <sup>1077</sup> 7, line <sup>16</sup> 2: after that line insert:

10 " SECTION <sup>3354b</sup> 27. 301.048 (2m) of the statutes is repealed.

11 ~~SECTION ??.~~ 301.048 (3) (a) (intro.) and 1. of the statutes are consolidated,  
12 renumbered 301.048 (3) (ag) and amended to read:

13 301.048 (3) (ag) The department shall ~~provide initially place~~ each participant  
14 ~~with one or more of the following sanctions:~~ 1. Placement in a Type 1 prison or a jail,  
15 county reforestation camp, residential treatment facility or community-based  
16 residential facility for at least the period of time required by the court. The  
17 department may not place a participant under this paragraph for more than one year  
18 or, if applicable, the period specified by the court under s. 973.032 (3) (b), whichever  
19 is shorter, except as provided in s. 973.032 (4).

21 ~~specify that it has to require placement under 1.~~

23 History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283; 1999 a. 9.

SECTION <sup>3354c</sup> 27. 301.048 (3) (a) (intro.) of the statutes is amended to read:

1           301.048 (3) (a) (intro.) ~~The Subject to par. (bm), the~~ department shall provide  
2 each participant with one or more of the following sanctions:

History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283; 1999 a. 9.

3           ~~SECTION 301.048 (3) (a) 1.~~ of the statutes is amended to read:

4           301.048 (3) (a) 1. Placement in a Type 1 prison or a jail, county reforestation  
5 camp, residential treatment facility or community-based residential facility. ~~The~~  
6 Except as provided in par. (bm), the department may not place a participant under  
7 this paragraph for more than one year <sup>plain space</sup> ~~or, if applicable, the period specified by the~~  
8 ~~court under s. 973.032 (3) (b), whichever is shorter, except as provided in s. 973.032~~  
9 (4).

History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283; 1999 a. 9.

10          ~~SECTION 301.048 (3) (b)~~ of the statutes is amended to read:

11          301.048 (3) (b) The Except as provided in par. (bm), the department may  
12 provide the sanctions under par. (a) in any order and may provide more than one  
13 sanction at a time. Subject to the cumulative time restrictions under ~~par. (a) 1. and~~ <sup>par. 1.</sup>  
14 (bm), the department may return to a sanction that was used previously for a  
15 participant. A participant is not entitled to a hearing regarding the department's  
16 exercise of authority under this subsection unless the department provides for a  
17 hearing by rule.

History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283; 1999 a. 9.

18          ~~SECTION 301.048 (3) (bm)~~ of the statutes is created to read:

19          301.048 (3) (bm) The department shall initially place a person required to  
20 participate in the intensive sanctions program under s. 973.032 (1) in a Type 1 prison  
21 or a jail, county reforestation camp, residential treatment facility, or  
22 community-based residential facility under par. (a) 1. for at least the period of time  
23 required by the court under s. 973.032 (3) (b), but the department may not place the  
24 person in such a placement for a total of more than 2 years.



✓  
3354e1 SECTION ~~27~~. 301.048 (4) (a) of the statutes is amended to read:

2 301.048 (4) (a) A participant is in the custody and under the control of the  
3 department, subject to its rules and discipline. A participant entering the program  
4 under sub. (2) (am) 1. is a prisoner, except that he or she is a person on extended  
5 supervision for the purposes of revocation upon being released the initial placement  
6 required under sub. (3) (bm). A participant entering the program under sub. (2) (am)  
7 ~~1. or~~ 2. is a prisoner. A participant entering the program under sub. (2) (am) 3. is a  
8 prisoner, except that he or she is a parolee for purposes of revocation. A participant  
9 entering the program under sub. (2) (am) 3m. is a prisoner, except that he or she  
10 remains a person on extended supervision for purposes of revocation. A participant  
11 entering the program under sub. (2) (am) 4. is a prisoner, except that he or she  
12 remains a probationer, parolee, or person on extended supervision, whichever is  
13 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; 1999 a. 9.14 SECTION ~~22~~. 301.048 (4) (ar) of the statutes is created to read:

3354e ✓

15 301.048 (4) (ar) If a participant enters the program under sub. (2) (am) 1. and  
16 his or her extended supervision is revoked, the time remaining on the bifurcated  
17 sentence for the purposes of s. 302.113 (9) is the total length of the bifurcated  
18 sentence, less time served by the person in custody under sub. (3) (a) 1. before release  
19 to extended supervision.

3354g

20 SECTION ~~22~~. 301.048 (6) (a) of the statutes is amended to read:

21 301.048 (6) (a) Except as provided in ~~par.~~ pars. (b) and (c), the department may  
22 discharge a participant from participation in the program and from departmental  
23 custody and control at any time.

History: 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; ~~1997~~ a. 27, 133, 181, 283; 1999 a. 9.24 SECTION ~~22~~. 301.048 (6) (c) of the statutes is created to read:

3354h

1           301.048 (6) (c) 1. If the department determines that a person participating  
2 under sub. (2) (am) 1. has successfully completed the intensive sanctions program,  
3 the department shall inform the court that sentenced the inmate.

4           2. Upon being informed by the department under subd. 1. that an inmate whom  
5 the court sentenced under s. 973.01 has successfully completed the intensive  
6 sanctions program, the court shall modify the inmate's bifurcated sentence as  
7 follows:

8           a. The court shall reduce the term of confinement in prison portion of the  
9 inmate's bifurcated sentence in a manner that provides for the release of the inmate  
10 to extended supervision within 30 days of the date on which the court receives the  
11 information from the department under subd. 1.

12           b. The court shall lengthen the term of extended supervision imposed so that  
13 the total length of the bifurcated sentence originally imposed does not change.

14           3. The court may not increase the total length of the bifurcated sentence when  
15 modifying a bifurcated sentence under subd. 2.

History: 1989 a. 122; 1991 a. 39; 1993 a. 218, 227, 491; 1995 a. 456; 1997 a. 283.

16           7. Page 2, line 2: after that line insert:

17           " SECTION 22. 302.11 (1i) of the statutes is repealed. "

18           8. Page 2, line 2: delete that line and substitute "exceed the time remaining on  
19 the bifurcated sentence. The Except as provided in s. 301.048 (4) (ar), the time  
20 remaining on the".

21           9. Page 2, line 2: after that line insert:

22           " SECTION 22. 304.02 (4) of the statutes is repealed. "

23           10. Page 2, line 2: after that line insert:

24           " SECTION 22. 304.06 (1y) of the statutes is repealed. "

3389 pm

1093

"

1 11. Page 1, line 1: after that line insert:

3389z ✓

X

2 " SECTION 22. 304.071 (2) of the statutes is amended to read:

3 304.071 (2) If a prisoner is not eligible for parole under s. 939.62 (2m) (c), 961.49  
4 (2), 973.01 (6), or 973.014 (1) (c) or (1g) or ~~973.032 (5)~~, he or she is not eligible for  
5 parole under this section. "

History: 1989 a. 31 ss. 1702, 1703; Stats. 1989 s. 304.071; 1991 a. 39; 1993 a. 289; 1995 a. 48, 448; 1997 a. 283, 326; 1999 a. 32.

6 12. Page 0, line 0: after that line insert:

1260 ✓

6

7 " SECTION 22. 973.01 (4) of the statutes is amended to read:

4012 b

8 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A  
9 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of  
10 confinement in prison portion of the sentence without reduction for good behavior.  
11 The term of confinement in prison portion is subject to extension under s. 302.113 (3)  
12 and, if applicable, to reduction under s. 302.045 (3m) or 301.048 (6) (c). "

History: 1997 a. 283.

1261

2

13 13. Page 1, line 1: after that line insert:

14 " SECTION 22. 973.032 (title) of the statutes is amended to read:

4014p

15 973.032 (title) Sentence to Required participation in intensive  
16 sanctions program.

SECTION 4014p 973.032(1) am

History: 1991 a. 39; 1993 a. 79; 1995 a. 27, 390; 1997 a. 283; 1999 a. 9, 185.

17 973.032 (1) SENTENCE AUTHORITY TO ORDER, <sup>plain</sup> Beginning July 1, 1992, Except as  
18 provided in sub. (2), a court, in its sole discretion, may sentence order a person who  
19 is convicted of a felony occurring on or after August 15, 1991, but before  
20 December 31, 1999, to participate in the intensive sanctions program under s.  
21 301.048 during the entire term of confinement in prison portion of the bifurcated  
22 sentence. If a person is convicted of a felony occurring on or after December 31, 1999,

1 a court may not sentence the person to participate in the intensive sanctions program  
2 under s. 301.048~~g~~ — plain

History: 1991 a. 39; 1993 a. 79; 1995 a. 27, 390; 1997 a. 283; 1999 a. 9, 185.

3 SECTION ~~2~~<sup>4014g</sup>. 973.032 (2) (a) of the statutes is repealed.

4 SECTION ~~2~~<sup>4014r</sup>. 973.032 (2) (b) of the statutes is renumbered 973.032 (2) and  
5 amended to read: <sup>4014r</sup> <sup>(B)</sup> Eligibility. ← caps small

6 973.032 (2) <sup>(B)</sup> Notwithstanding par. (a), the The court may not sentence order a  
7 person to participate in the intensive sanctions program under sub. (1) if he or she  
8 is convicted of a felony punishable by life imprisonment or has at any time been  
9 convicted, adjudicated delinquent, or found not guilty or not responsible by reason of  
10 insanity or mental disease, defect, or illness for committing a violent offense, as  
11 defined in s. 301.048 (2) (bm).

History: 1991 a. 39; 1993 a. 79; 1995 a. 27, 390; 1997 a. 283; 1999 a. 9, 185.

12 SECTION ~~2~~<sup>4014s</sup>. 973.032 (3) (intro.) of the statutes is repealed.

13 SECTION ~~2~~<sup>4014t</sup>. 973.032 (3) (a) of the statutes is repealed.

14 SECTION ~~2~~<sup>4014u</sup>. 973.032 (3) (b) of the statutes is amended to read:

15 973.032 (3) (b) The If the court orders a person to participate in the intensive  
16 sanctions program under sub. (1), the court shall provide a maximum period for  
17 placements order that the person be placed under s. 301.048 (3) (a) 1., which may not  
18 exceed for at least one year unless the defendant waives this requirement and shall,  
19 subject to the limitation imposed under s. 301.048 (3) (bm), specify the date on which  
20 the person is eligible for release from that placement.

History: 1991 a. 39; 1993 a. 79; 1995 a. 27, 390; 1997 a. 283; 1999 a. 9, 185.

21 SECTION ~~2~~<sup>4014v</sup>. 973.032 (3) (c) 2. of the statutes is amended to read:

22 973.032 (3) (c) 2. The court may prescribe reasonable and necessary conditions  
23 of the sentence in accordance with s. 301.048 (3) in an order issued under sub. (1),  
24 except the court may not specify a particular Type 1 prison, jail, camp, or facility

1 where the offender is to be placed under s. 301.048 (3) (a) and the court may not  
2 restrict the department's authority under s. 301.048 (3) (b) or (c).

History: 1991 a. 39; 1993 a. 79; 1995 a. 27, 390; 1997 a. 283; 1999 a. 9, 185.

3 SECTION <sup>4014 w</sup> 973.032 (4) of the statutes is repealed.

4 SECTION <sup>4014 x</sup> 973.032 (5) of the statutes is repealed.

5 SECTION <sup>4014 y</sup> 973.032 (6) of the statutes is amended to read:

6 973.032 (6) CREDIT. Any sentence credit under s. 973.155 (1) applies toward  
7 ~~service of the period under sub. (3) (a) the term of confinement in prison portion of~~  
8 ~~the bifurcated sentence of a person who is subject to this section~~ but does not apply  
9 toward service of the period under sub. (3) (b).

History: 1991 a. 39; 1993 a. 79; 1995 a. 27, 390; 1997 a. 283; 1999 a. 9, 185.

10 SECTION <sup>4014 z</sup> 973.032 (7) of the statutes is created to read:

11 973.032 (7) INAPPLICABILITY TO EXTENDED SUPERVISION. This section does not  
12 apply to persons required to participate in the intensive sanctions program under s.  
13 301.048 as a condition of extended supervision. "

14 14. Page <sup>1271</sup> 7, line <sup>6</sup> 7: after that line insert:

15 SECTION <sup>4028 n</sup> ~~973.20~~ <sup>X</sup> (10) of the statutes is amended to read:

16 973.20 (10) The court may require that restitution be paid immediately, within  
17 a specified period or in specified ~~instalments~~ <sup>installments</sup>. If the defendant is placed on probation  
18 or sentenced to imprisonment, the end of a specified period shall not be later than  
19 the end of any period of probation, extended supervision or parole. ~~If the defendant~~  
20 ~~is sentenced to the intensive sanctions program, the end of a specified period shall~~  
21 ~~not be later than the end of the sentence under s. 973.032 (3) (a).~~ "

History: 1987 a. 398 ss. 39 to 41, 43; 1989 a. 31, 188; 1991 a. 39, 269; 1993 a. 213; 1995 a. 141, 161; 1997 a. 283.

22 15. Page <sup>2</sup> 2, line <sup>2</sup> 2 after that line insert:

<sup>1416</sup> <sup>16</sup>

120

1 (7) INTENSIVE SANCTIONS PROGRAM. The treatment of sections 301.048 (2m),  
2 301.048 (3) (a) (intro.) and 1., 301.048 (3) (a) (intro.), 301.048 (3) (a) 1., 301.048 (3)  
3 (b), 301.048 (3) (bm), 301.048 (4) (a), 301.048 (4) (ar), 301.048 (6) (a), 301.048 (6)  
4 and (c), 302.11 (1i), 302.113 (9) (a), 304.02 (4), 304.06 (1y), 304.071 (2), 973.01 (4), 973.032  
5 (title), 973.032 (2) (a), 973.032 (2) (b), 973.032 (3) (intro.), 973.032 (3) (a), 973.032 (3)  
6 (b), 973.032 (3) (c) 2., 973.032 (4), 973.032 (5), 973.032 (6), 973.032 (7), and 973.20  
7 (10) of the statutes first applies to persons committing offenses on December 31,  
8 1999. "

(END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb0783A

MGD:hmh:pg

+ jld (2)

SDC:.....Keckhaver – CN5523, Intensive sanctions

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

*stream  
from hold*

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

2 **1.** Page 195, line 3: increase the dollar amount for fiscal year 2001-02 by  
3 \$29,500 and increase the dollar amount for fiscal year 2002-03 by \$64,100 for the  
4 purpose of expanding the intensive sanctions program.

5 **2.** Page 195, line 7: decrease the dollar amount for fiscal year 2001-02 by  
6 \$566,300 and decrease the dollar amount for fiscal year 2002-03 by \$4,421,400 for  
7 the purpose of reducing the number of prisoners confined in out-of-state prisons.

8 **3.** Page 195, line 8: increase the dollar amount for fiscal year 2001-02 by  
9 \$355,800 to increase the authorized FTE positions for the department of corrections  
10 by 9.25 GPR positions for expanding the intensive sanctions program.

1           **4.** Page 195, line 8: increase the dollar amount for fiscal year 2002–03 by  
2 \$1,182,600 to increase the authorized FTE positions for the department of  
3 corrections by 29.0 GPR positions for expanding the intensive sanctions program.

4           **5.** Page 196, line 4: increase the dollar amount for fiscal year 2001–02 by  
5 \$312,000 and increase the dollar amount for fiscal year 2002–03 by \$960,000 for the  
6 purpose of expanding the intensive sanctions program.

7           **6.** Page 1077, line 16: after that line insert:

8           “**SECTION 3354b.** 301.048 (2m) of the statutes is repealed.

9           **SECTION 3354c.** 301.048 (3) (a) (intro.) of the statutes is amended to read:

10           301.048 (3) (a) (intro.) The Subject to par. (bm), the department shall provide  
11 each participant with one or more of the following sanctions:

12           **SECTION 3354d.** 301.048 (3) (a) 1. of the statutes is amended to read:

13           301.048 (3) (a) 1. Placement in a Type 1 prison or a jail, county reforestation  
14 camp, residential treatment facility or community–based residential facility. The  
15 Except as provided in par. (bm), the department may not place a participant under  
16 this paragraph for more than one year ~~or, if applicable, the period specified by the~~  
17 ~~court under s. 973.032 (3) (b), whichever is shorter, except as provided in s. 973.032~~  
18 (4).

19           **SECTION 3354db.** 301.048 (3) (b) of the statutes is amended to read:

20           301.048 (3) (b) The Except as provided in par. (bm), the department may  
21 provide the sanctions under par. (a) in any order and may provide more than one  
22 sanction at a time. Subject to the cumulative time restrictions under ~~par.~~ pars. (a)

23           1. and (bm)<sup>✓</sup>, <sup>2.</sup> the department may return to a sanction that was used previously for  
24 a participant. A participant is not entitled to a hearing regarding the department’s



(3)-

✓ on its decision to not petition the court for permission to release a person from a placement under par. (a)1.

1 exercise of authority under this subsection (unless the department provides for a (a)1.  
2 hearing by rule.

3 SECTION 3354df. 301.048 (3) (bm) of the statutes is created to read:

4 301.048 (3) (bm) The department shall initially place a person required to  
5 participate in the intensive sanctions program under s. 973.032 (1) in a Type 1 prison  
6 or a jail, county reforestation camp, residential treatment facility, or  
7 community-based residential facility under par. (a) 1. for at least the period of time  
8 required by the court under s. 973.032 (3) (b), but the department may not place the  
9 person in such a placement for a total of more than 2 years. (insert 3/7, 92. The)

10 SECTION 3354e. 301.048 (4) (a) of the statutes is amended to read:

11 301.048 (4) (a) A participant is in the custody and under the control of the  
12 department, subject to its rules and discipline. A participant entering the program  
13 under sub. (2) (am) 1. is a prisoner, except that he or she is a person on extended  
14 supervision for the purposes of revocation upon being released from the initial placement  
15 required under sub. (3) (bm). A participant entering the program under sub. (2) (am)  
16 1. or 2. is a prisoner. A participant entering the program under sub. (2) (am) 3. is a  
17 prisoner, except that he or she is a parolee for purposes of revocation. A participant  
18 entering the program under sub. (2) (am) 3m. is a prisoner, except that he or she  
19 remains a person on extended supervision for purposes of revocation. A participant  
20 entering the program under sub. (2) (am) 4. is a prisoner, except that he or she  
21 remains a probationer, parolee, or person on extended supervision, whichever is  
22 applicable, for purposes of revocation.

23 SECTION 3354f. 301.048 (4) (ar) of the statutes is created to read:

24 301.048 (4) (ar) If a participant enters the program under sub. (2) (am) 1. and  
25 his or her extended supervision is revoked, the time remaining on the bifurcated

1 sentence for the purposes of s. 302.113 (9) is the total length of the bifurcated  
2 sentence, less time served by the person in custody under sub. (3) (a) 1. before release  
3 to extended supervision.

4 **SECTION 3354g.** 301.048 (6) (a) of the statutes is amended to read:

5 301.048 (6) (a) Except as provided in ~~par. pars.~~ (b) and (c), the department may  
6 discharge a participant from participation in the program and from departmental  
7 custody and control at any time.

8 **SECTION 3354h.** 301.048 (6) (c) of the statutes is created to read:

9 301.048 (6) (c) 1. If the department determines that a person participating  
10 under sub. (2) (am) 1. has successfully completed the intensive sanctions program,  
11 the department shall inform the court that sentenced the inmate.

12 2. Upon being informed by the department under subd. 1. that an inmate whom  
13 the court sentenced under s. 973.01 has successfully completed the intensive  
14 sanctions program, the court shall modify the inmate's bifurcated sentence as  
15 follows:

16 a. The court shall reduce the term of confinement in prison portion of the  
17 inmate's bifurcated sentence in a manner that provides for the release of the inmate  
18 to extended supervision within 30 days of the date on which the court receives the  
19 information from the department under subd. 1.

20 b. The court shall lengthen the term of extended supervision imposed so that  
21 the total length of the bifurcated sentence originally imposed does not change.

22 3. The court may not increase the total length of the bifurcated sentence when  
23 modifying a bifurcated sentence under subd. 2.”.

24 **7.** Page 1078, line 2: after that line insert:

1           **SECTION 3354x.** 302.11 (1i) of the statutes is repealed.”.

2           **8.** Page 1081, line 10: delete that line and substitute “exceed the time  
3 remaining on the bifurcated sentence. The Except as provided in s. 301.048 (4) (ar),  
4 the time remaining on the”.

5           **9.** Page 1090, line 19: after that line insert:

6           **SECTION 3389n.** 304.02 (4) of the statutes is repealed.”.

7           **10.** Page 1090, line 24: after that line insert:

8           **SECTION 3389pm.** 304.06 (1y) of the statutes is repealed.”.

9           **11.** Page 1093, line 11: after that line insert:

10          **SECTION 3389z.** 304.071 (2) of the statutes is amended to read:

11          304.071 (2) If a prisoner is not eligible for parole under s. 939.62 (2m) (c), 961.49  
12 (2), 973.01 (6), or 973.014 (1) (c) or (1g) or ~~973.032 (5)~~, he or she is not eligible for  
13 parole under this section.”.

14          **12.** Page 1260, line 6: after that line insert:

15          **SECTION 4012b.** 973.01 (4) of the statutes is amended to read:

16          973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A  
17 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of  
18 confinement in prison portion of the sentence without reduction for good behavior.  
19 The term of confinement in prison portion is subject to extension under s. 302.113 (3)  
20 and, if applicable, to reduction under s. 302.045 (3m) or 301.048 (6) (c).”.

21          **13.** Page 1261, line 2: after that line insert:

22          **SECTION 4014p.** 973.032 (title) of the statutes is amended to read:

23          **973.032** (title) ~~Sentence to~~ Required participation in intensive  
24 sanctions program.

INS  
5/13

1 SECTION 4014pb. 973.032 (1) of the statutes is amended to read:

2 973.032 (1) ~~SENTENCE AUTHORITY TO ORDER. Beginning July 1, 1992, Except as~~  
3 provided in sub. (2), a court, in its sole discretion, may sentence order a person who  
4 is convicted of a felony occurring on or after August 15, 1991, but before  
5 December 31, 1999, to participate in the intensive sanctions program under s.  
6 301.048 during the entire term of confinement in prison portion of the bifurcated  
7 sentence If a person is convicted of a felony occurring on or after December 31, 1999,  
8 a court may not sentence the person to participate in the intensive sanctions program  
9 under s. 301.048.

10 SECTION 4014q. 973.032 (2) (a) of the statutes is repealed.

11 Fix Component SECTION 4014r. 973.032 (2) (b) of the statutes is ~~renumbered 973.032 (2) and~~  
12 amended to read:

13 973.032 (2) ~~(b)~~ <sup>(b)</sup> ~~Notwithstanding par. (a), the~~ <sup>plain</sup> ~~The~~ court may not  
14 sentence order a person to participate in the intensive sanctions program under sub.  
15 (1) if he or she is convicted of a felony punishable by life imprisonment or has at any  
16 time been convicted, adjudicated delinquent, or found not guilty or not responsible  
17 by reason of insanity or mental disease, defect, or illness for committing a violent  
18 offense, as defined in s. 301.048 (2) (bm).

19 SECTION 4014s. 973.032 (3) (intro.) of the statutes is repealed.

20 SECTION 4014t. 973.032 (3) (a) of the statutes is repealed.

21 Fix Component SECTION 4014u. 973.032 (3) (b) of the statutes is <sup>renumbered</sup> amended to read:

22 973.032 (3) (b) <sup>(intro.)</sup> ~~The~~ If the court orders a person to participate in the intensive  
23 sanctions program under sub. (1), the court shall provide a maximum period for  
24 placements <sup>q. 1.</sup> order that the person be placed under s. 301.048 (3) (a) 1, <sup>strike</sup> ~~which may not~~  
25 exceed for at least one year unless the defendant waives this requirement and shall

do all of the following:

Plain

1  
2  
Plain text

subject to the limitation imposed under s. 301.048 (3) (bm) <sup>2.</sup> specify the date on which the person is eligible for release from that placement. under sub. (4m)

3 SECTION 4014v. 973.032 (3) (c) 2. of the statutes is amended to read:

4 973.032 (3) (c) 2. The court may prescribe reasonable and necessary conditions  
5 of the sentence in accordance with s. 301.048 (3) in an order issued under sub. (1),  
6 except the court may not specify a particular Type 1 prison, jail, camp, or facility  
7 where the offender is to be placed under s. 301.048 (3) (a) and the court may not  
8 restrict the department's authority under s. 301.048 (3) (b) or (c).

INS  
7/9

9 SECTION 4014w. 973.032 (4) of the statutes is repealed.

10 SECTION 4014x. 973.032 (5) of the statutes is repealed.

11 SECTION 4014y. 973.032 (6) of the statutes is amended to read:

12 973.032 (6) CREDIT. Any sentence credit under s. 973.155 (1) applies toward  
13 service of the period under sub. (3) (a) the term of confinement in prison portion of  
14 the bifurcated sentence of a person who is subject to this section but does not apply  
15 toward service of the period under sub. (3) (b).

16 SECTION 4014z. 973.032 (7) of the statutes is created to read:

17 973.032 (7) <sup>CS</sup> Participants on <sup>CS</sup> ~~INAPPLICABILITY TO~~ EXTENDED SUPERVISION. This section does not  
18 apply to persons required to participate in the intensive sanctions program under s.  
19 301.048 as a condition of extended supervision."

20 14. Page 1271, line 6: after that line insert:

21 "SECTION 4028n. 973.20 (10) of the statutes is amended to read:

22 973.20 (10) The court may require that restitution be paid immediately, within  
23 a specified period or in specified instalments installments. If the defendant is placed  
24 on probation or sentenced to imprisonment, the end of a specified period shall not be

INSert  
7/17

1 later than the end of any period of probation, extended supervision, or parole. If the  
2 defendant is sentenced to the intensive sanctions program, the end of a specified  
3 period shall not be later than the end of the sentence under s. 973.032 (3) (a)."

4 **15.** Page 1416, line 16: after that line insert:

5 "(12i) INTENSIVE SANCTIONS PROGRAM. The treatment of sections 301.048 (2m),  
6 (3) (a) (intro.) and 1., (b), and (bm), (4) (a) and (ar), and (6) (a) and (c), 302.11 (1i),  
7 302.113 (9) (a), 304.02 (4), 304.06 (1y), 304.071 (2), <sup>950.04 (iv) (ve), ✓</sup> 973.01 (4), 973.032 (title), (2) (a)  
8 and (b), (3) (intro.), <sup>2</sup> (3) (a) <sup>intro</sup> ~~(b)~~, and (c) 2., (4), <sup>(4m),</sup> (5), (6), and (7), and 973.20 (10) of the  
9 statutes first <sup>apply</sup> ~~applies~~ to persons committing offenses on December 31, 1999."

8  
9  
10

(END)

STET  
(a)

the renumbering and amendment of section 973.032 (3)(b) of the statutes, and the creation of section 973.032 (3)(b) 2. of the statutes

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0783/2ins  
MGD:.....

LPS - inserts  
out of order

**INSERT 3/7**

(NO \$) Except as provided under subd. 2. or unless, under sub. (4) (a), the person's extended supervision is revoked, the department shall maintain the person in that placement until the court authorizes the person's release from the placement under s. 973.032 (4m).

**INSERT 5/13**

1. Page 1250, line 14: after that line insert:

"SECTION 3984r. 950.04 (1v) (ve) of the statutes is created to read:

950.04 (1v) (ve) If a hearing is scheduled in response to a petition filed by the department of corrections under s. 973.032 (4m) (b) for permission to release a person from a placement in the intensive supervision program under s. 301.048 (3) (a) 1., to have the appropriate clerk of court send the victim a copy of a petition and notification of the hearing on that petition under s. 973.032 (4m) (c)."

**INSERT 6/9**

SECTION 4014q. 973.032 (2) (a) of the statutes is amended to read:

973.032 (2) (a) A court may sentence order a person to participate in the intensive sanctions program under sub. (1) if the department provides a presentence investigation report recommending that the person be sentenced to ordered to participate in the program. If the department does not make the recommendation, a court may order the department to assess and evaluate the person. After that assessment and evaluation, the court may sentence order the person to participate in the program unless the department objects on the ground that it recommends that the person be placed on probation.

**INSERT 7/9**

**SECTION 4014wh.** 973.032 (4m) of the statutes is created to read:

973.032 (4m) RELEASE TO COMMUNITY. (a) In this subsection, "victim" has the meaning given in s. 950.02 (4).

(b) No earlier than 30 days before the date specified by the court under sub. (3) (b) 2., the department may petition the court for permission to release a person subject to an order under sub. (1) from a placement described under s. 301.048 (3) (a) 1.

(c) Upon the filing of a petition under par. (b), the court, with or without a hearing, may authorize the department to release the person from his or her placement any time after the date specified under sub. (3) (b) 2. If the court schedules a hearing on the petition, the clerk of the circuit court in which the petition is filed shall send a copy of the petition and a notice of hearing to the victim of the crime committed by the inmate, if the victim has submitted a card under par. (e) requesting notification, at least 10 days before the date of the hearing.

(d) The notice under par. (c) shall inform the victim that he or she may appear at the hearing and shall inform the victim of the manner in which he or she may provide written statements concerning the inmate's petition for release to extended supervision.

(e) The director of state courts shall design and prepare cards for a victim to send to the clerk of the circuit court in which the inmate is convicted and sentenced. The cards shall have space for a victim to provide his or her name and address, the name of the applicable inmate and any other information the director of state courts determines is necessary. The director of state courts shall provide the cards, without charge, to clerks of circuit court. Clerks of circuit court shall provide the cards,



without charge, to victims. Victims may send completed cards to the clerk of the circuit court in which the inmate was convicted and sentenced. All court records or portions of records that relate to mailing addresses of victims are not subject to inspection or copying under s. 19.35 (1).<sup>✓</sup>

(f) If the court schedules a hearing on a petition filed under par. (b), the clerk of the court shall provide a copy of the petition and a notice of the hearing to the district attorney at least 10<sup>✓</sup> days before the hearing.

**INSERT 7/17**

<sup>NO</sup><sub>¶</sub> The court or the department<sup>✓</sup> may require a person ordered to participate in the intensive sanctions program under sub. (1)<sup>✓</sup> to remain in the intensive sanctions program as a condition of extended supervision, but subs. (2) to (6)<sup>Δ</sup> do not apply to ~~\*~~ such persons once they are on <sup>NO</sup><sub>¶</sub>

Insert 3/14

~~insert~~

under sub. (3)(b) 2. ✓

if the department is precluded from placing

the ~~person~~ <sup>participant</sup> ~~person~~ under sub. (3)(a) 1. ✓  
person

(end ins 3-14)

SDC:.....Keckhaver – CN5523, Intensive sanctions

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

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

2           **1.** Page 195, line 3: increase the dollar amount for fiscal year 2001-02 by  
3           \$29,500 and increase the dollar amount for fiscal year 2002-03 by \$64,100 for the  
4           purpose of expanding the intensive sanctions program.

5           **2.** Page 195, line 7: decrease the dollar amount for fiscal year 2001-02 by  
6           \$566,300 and decrease the dollar amount for fiscal year 2002-03 by \$4,421,400 for  
7           the purpose of reducing the number of prisoners confined in out-of-state prisons.

8           **3.** Page 195, line 8: increase the dollar amount for fiscal year 2001-02 by  
9           \$355,800 to increase the authorized FTE positions for the department of corrections  
10          by 9.25 GPR positions for expanding the intensive sanctions program.

1           **4.** Page 195, line 8: increase the dollar amount for fiscal year 2002–03 by  
2 \$1,182,600 to increase the authorized FTE positions for the department of  
3 corrections by 29.0 GPR positions for expanding the intensive sanctions program.

4           **5.** Page 196, line 4: increase the dollar amount for fiscal year 2001–02 by  
5 \$312,000 and increase the dollar amount for fiscal year 2002–03 by \$960,000 for the  
6 purpose of expanding the intensive sanctions program.

7           **6.** Page 1077, line 16: after that line insert:

8           “**SECTION 3354b.** 301.048 (2m) of the statutes is repealed.

9           **SECTION 3354c.** 301.048 (3) (a) (intro.) of the statutes is amended to read:

10           301.048 (3) (a) (intro.) The Subject to par. (bm), the department shall provide  
11 each participant with one or more of the following sanctions:

12           **SECTION 3354d.** 301.048 (3) (a) 1. of the statutes is amended to read:

13           301.048 (3) (a) 1. Placement in a Type 1 prison or a jail, county reforestation  
14 camp, residential treatment facility or community–based residential facility. The  
15 Except as provided in par. (bm), the department may not place a participant under  
16 this paragraph for more than one year ~~or, if applicable, the period specified by the~~  
17 ~~court under s. 973.032 (3) (b), whichever is shorter, except as provided in s. 973.032~~  
18 (4).

19           **SECTION 3354db.** 301.048 (3) (b) of the statutes is amended to read:

20           301.048 (3) (b) The Except as provided in par. (bm), the department may  
21 provide the sanctions under par. (a) in any order and may provide more than one  
22 sanction at a time. Subject to the cumulative time restrictions under ~~par.~~ pars. (a)  
23 1. and (bm) 2., the department may return to a sanction that was used previously for  
24 a participant. A participant is not entitled to a hearing regarding the department's

1 exercise of authority under this subsection or its decision to not petition the court  
2 under s. 973.032 (4m) (b) for permission to release a person from a placement under  
3 par. (a) 1. unless the department provides for a hearing by rule.

4 **SECTION 3354df.** 301.048 (3) (bm) of the statutes is created to read:

5 301.048 (3) (bm) 1. The department shall initially place a person required to  
6 participate in the intensive sanctions program under s. 973.032 (1) in a Type 1 prison  
7 or a jail, county reforestation camp, residential treatment facility, or  
8 community-based residential facility under par. (a) 1. Except as provided under  
9 subd. 2. or unless, under sub. (4) (a), the person's extended supervision is revoked,  
10 the department shall maintain the person in that placement until the court  
11 authorizes the person's release from the placement under s. 973.032 (4m).

12 2. The department may not place a person described in subd. 1. in a placement  
13 under par. (a) 1. for a total of more than 2 years.

14 **SECTION 3354e.** 301.048 (4) (a) of the statutes is amended to read:

15 301.048 (4) (a) A participant is in the custody and under the control of the  
16 department, subject to its rules and discipline. A participant entering the program  
17 under sub. (2) (am) 1. is a prisoner, except that he or she is a person on extended  
18 supervision for the purposes of revocation if the department is precluded under sub.  
19 (3) (bm) 2. from placing the person under sub. (3) (a) 1. A participant entering the  
20 program under sub. (2) (am) 1. or 2. is a prisoner. A participant entering the program  
21 under sub. (2) (am) 3. is a prisoner, except that he or she is a parolee for purposes of  
22 revocation. A participant entering the program under sub. (2) (am) 3m. is a prisoner,  
23 except that he or she remains a person on extended supervision for purposes of  
24 revocation. A participant entering the program under sub. (2) (am) 4. is a prisoner,

1 except that he or she remains a probationer, parolee, or person on extended  
2 supervision, whichever is applicable, for purposes of revocation.

3 **SECTION 3354f.** 301.048 (4) (ar) of the statutes is created to read:

4 301.048 (4) (ar) If a participant enters the program under sub. (2) (am) 1. and  
5 his or her extended supervision is revoked, the time remaining on the bifurcated  
6 sentence for the purposes of s. 302.113 (9) is the total length of the bifurcated  
7 sentence, less time served by the person in custody under sub. (3) (a) 1. before release  
8 to extended supervision.

9 **SECTION 3354g.** 301.048 (6) (a) of the statutes is amended to read:

10 301.048 (6) (a) Except as provided in ~~par.~~ pars. (b) and (c), the department may  
11 discharge a participant from participation in the program and from departmental  
12 custody and control at any time.

13 **SECTION 3354h.** 301.048 (6) (c) of the statutes is created to read:

14 301.048 (6) (c) 1. If the department determines that a person participating  
15 under sub. (2) (am) 1. has successfully completed the intensive sanctions program,  
16 the department shall inform the court that sentenced the inmate.

17 2. Upon being informed by the department under subd. 1. that an inmate whom  
18 the court sentenced under s. 973.01 has successfully completed the intensive  
19 sanctions program, the court shall modify the inmate's bifurcated sentence as  
20 follows:

21 a. The court shall reduce the term of confinement in prison portion of the  
22 inmate's bifurcated sentence in a manner that provides for the release of the inmate  
23 to extended supervision within 30 days of the date on which the court receives the  
24 information from the department under subd. 1.

1           b. The court shall lengthen the term of extended supervision imposed so that  
2 the total length of the bifurcated sentence originally imposed does not change.

3           3. The court may not increase the total length of the bifurcated sentence when  
4 modifying a bifurcated sentence under subd. 2.”.

5           **7.** Page 1078, line 2: after that line insert:

6           “**SECTION 3354x.** 302.11 (1i) of the statutes is repealed.”.

7           **8.** Page 1081, line 10: delete that line and substitute “exceed the time  
8 remaining on the bifurcated sentence. The Except as provided in s. 301.048 (4) (ar),  
9 the time remaining on the”.

10          **9.** Page 1090, line 19: after that line insert:

11          “**SECTION 3389n.** 304.02 (4) of the statutes is repealed.”.

12          **10.** Page 1090, line 24: after that line insert:

13          “**SECTION 3389pm.** 304.06 (1y) of the statutes is repealed.”.

14          **11.** Page 1093, line 11: after that line insert:

15          “**SECTION 3389z.** 304.071 (2) of the statutes is amended to read:

16           304.071 (2) If a prisoner is not eligible for parole under s. 939.62 (2m) (c), 961.49  
17 (2), 973.01 (6), or 973.014 (1) (c) or (1g) or ~~973.032 (5)~~, he or she is not eligible for  
18 parole under this section.”.

19          **12.** Page 1250, line 14: after that line insert:

20          “**SECTION 3984r.** 950.04 (1v) (ve) of the statutes is created to read:

21           950.04 (1v) (ve) If a hearing is scheduled in response to a petition filed by the  
22 department of corrections under s. 973.032 (4m) (b) for permission to release a person  
23 from a placement in the intensive supervision program under s. 301.048 (3) (a) 1., to

1 have the appropriate clerk of court send the victim a copy of a petition and  
2 notification of the hearing on that petition under s. 973.032 (4m) (c).”.

3 **13.** Page 1260, line 6: after that line insert:

4 “SECTION 4012b. 973.01 (4) of the statutes is amended to read:

5 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A  
6 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of  
7 confinement in prison portion of the sentence without reduction for good behavior.  
8 The term of confinement in prison portion is subject to extension under s. 302.113 (3)  
9 and, if applicable, to reduction under s. 302.045 (3m) or 301.048 (6) (c).”.

10 **14.** Page 1261, line 2: after that line insert:

11 “SECTION 4014p. 973.032 (title) of the statutes is amended to read:

12 **973.032** (title) ~~Sentence to~~ **Required participation in intensive**  
13 **sanctions program.**

14 SECTION 4014pb. 973.032 (1) of the statutes is amended to read:

15 973.032 (1) ~~SENTENCE AUTHORITY TO ORDER. Beginning July 1, 1992, Except as~~  
16 ~~provided in sub. (2), a court may sentence order a person who is convicted of a felony~~  
17 ~~occurring on or after August 15, 1991, but before December 31, 1999, to participate~~  
18 ~~in the intensive sanctions program under s. 301.048. If a person is convicted of a~~  
19 ~~felony occurring on or after December 31, 1999, a court may not sentence the person~~  
20 ~~to participate in the intensive sanctions program under s. 301.048 during the entire~~  
21 ~~term of confinement in prison portion of the bifurcated sentence.~~

22 SECTION 4014q. 973.032 (2) (a) of the statutes is amended to read:

23 973.032 (2) (a) A court may ~~sentence order~~ a person to participate in the  
24 intensive sanctions program under sub. (1) if the department provides a presentence



1 investigation report recommending that the person be ~~sentenced to~~ ordered to  
2 participate in the program. If the department does not make the recommendation,  
3 a court may order the department to assess and evaluate the person. After that  
4 assessment and evaluation, the court may ~~sentence~~ order the person to participate  
5 in the program unless the department objects on the ground that it recommends that  
6 the person be placed on probation.

7 **SECTION 4014r.** 973.032 (2) (b) of the statutes is amended to read:

8 973.032 (2) (b) Notwithstanding par. (a), the court may not ~~sentence~~ order a  
9 person to participate in the intensive sanctions program under sub. (1) if he or she  
10 is convicted of a felony punishable by life imprisonment or has at any time been  
11 convicted, adjudicated delinquent, or found not guilty or not responsible by reason  
12 of insanity or mental disease, defect, or illness for committing a violent offense, as  
13 defined in s. 301.048 (2) (bm).

14 **SECTION 4014s.** 973.032 (3) (intro.) of the statutes is repealed.

15 **SECTION 4014t.** 973.032 (3) (a) of the statutes is repealed.

16 **SECTION 4014u.** 973.032 (3) (b) of the statutes is renumbered 973.032 (3) (b)  
17 (intro.) and amended to read:

18 973.032 (3) (b) (intro.) ~~The~~ If the court orders a person to participate in the  
19 intensive sanctions program under sub. (1), the court shall provide a maximum  
20 period for placements do all of the following:

21 1. Order that the person be placed under s. 301.048 (3) (a) 1., which may not  
22 exceed for at least one year unless the defendant waives this requirement.

23 **SECTION 4014um.** 973.032 (3) (b) 2. of the statutes is created to read:

1           973.032 (3) (b) 2. Subject to the limitation imposed under s. 301.048 (3) (bm)  
2           2., specify the date on which the person is eligible for release from that placement  
3           under sub. (4m).

4           **SECTION 4014v.** 973.032 (3) (c) 2. of the statutes is amended to read:

5           973.032 (3) (c) 2. The court may prescribe reasonable and necessary conditions  
6           ~~of the sentence in accordance with s. 301.048 (3) in an order issued under sub. (1),~~  
7           except the court may not specify a particular Type 1 prison, jail, camp, or facility  
8           where the offender is to be placed under s. 301.048 (3) (a) and the court may not  
9           restrict the department's authority under s. 301.048 (3) (b) or (c).

10          **SECTION 4014w.** 973.032 (4) of the statutes is repealed.

11          **SECTION 4014wh.** 973.032 (4m) of the statutes is created to read:

12          973.032 (4m) **RELEASE TO COMMUNITY.** (a) In this subsection, "victim" has the  
13          meaning given in s. 950.02 (4).

14          (b) No earlier than 30 days before the date specified by the court under sub. (3)  
15          (b) 2., the department may petition the court for permission to release a person  
16          subject to an order under sub. (1) from a placement described under s. 301.048 (3) (a)  
17          1.

18          (c) Upon the filing of a petition under par. (b), the court, with or without a  
19          hearing, may authorize the department to release the person from his or her  
20          placement any time after the date specified under sub. (3) (b) 2. If the court schedules  
21          a hearing on the petition, the clerk of the circuit court in which the petition is filed  
22          shall send a copy of the petition and a notice of hearing to the victim of the crime  
23          committed by the inmate, if the victim has submitted a card under par. (e) requesting  
24          notification, at least 10 days before the date of the hearing.

1 (d) The notice under par. (c) shall inform the victim that he or she may appear  
2 at the hearing and shall inform the victim of the manner in which he or she may  
3 provide written statements concerning the inmate's petition for release to extended  
4 supervision.

5 (e) The director of state courts shall design and prepare cards for a victim to  
6 send to the clerk of the circuit court in which the inmate is convicted and sentenced.  
7 The cards shall have space for a victim to provide his or her name and address, the  
8 name of the applicable inmate and any other information the director of state courts  
9 determines is necessary. The director of state courts shall provide the cards, without  
10 charge, to clerks of circuit court. Clerks of circuit court shall provide the cards,  
11 without charge, to victims. Victims may send completed cards to the clerk of the  
12 circuit court in which the inmate was convicted and sentenced. All court records or  
13 portions of records that relate to mailing addresses of victims are not subject to  
14 inspection or copying under s. 19.35 (1).

15 (f) If the court schedules a hearing on a petition filed under par. (b), the clerk  
16 of the court shall provide a copy of the petition and a notice of the hearing to the  
17 district attorney at least 10 days before the hearing.

18 **SECTION 4014x.** 973.032 (5) of the statutes is repealed.

19 **SECTION 4014y.** 973.032 (6) of the statutes is amended to read:

20 973.032 (6) CREDIT. Any sentence credit under s. 973.155 (1) applies toward  
21 service of the period under sub. (3) (a) the term of confinement in prison portion of  
22 the bifurcated sentence of a person who is subject to this section but does not apply  
23 toward service of the period under sub. (3) (b).

24 **SECTION 4014z.** 973.032 (7) of the statutes is created to read:

