

2003 DRAFTING REQUEST

Bill

Received: **01/27/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-3420**

By/Representing: **Johnston**

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

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Correctional System - misc
Correctional System - prisons
Mental Health - AODA**

Extra Copies: **rpn**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Johnston - BB0421,

Topic:

Challenge incarceration program; earned release for graduates of Drug Abuse Correctional Center program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mdsida 02/03/2003	jdyer 02/03/2003		_____			State
/1			jfrantze 02/03/2003	_____	sbasford 02/03/2003		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	mdsida 02/07/2003	jdyer 02/07/2003	pgreensl 02/07/2003	_____	amentkow 02/07/2003		State
/3	mdsida 02/10/2003	jdyer 02/10/2003	jfrantze 02/10/2003	_____	amentkow 02/10/2003		State

FE Sent For:

<END>

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			<i>Jo 2/10</i>	<i>Jo 2/10</i>			

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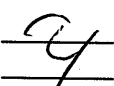
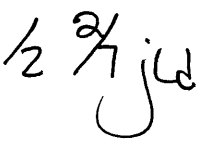




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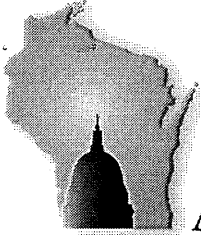
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/P1	mdsida	1 2/3 ju	2/3	2/3			

FE Sent For:

<END>



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR
MARC J. MAROTTA
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: January 23, 2003

To: Steve Miller, LRB

From: Jim Johnston, DOA
266-3420

JJ

BB0421

-1769

Subject: Biennial Budget Request Statutory Language Draft – Truth-in-Sentencing Modifications

Please draft the language to create the program requirements and accomplish the goals listed below:

1) Challenge Incarceration program

Modify s.302.045 to increase the age limit for participating in the Challenge Incarceration program from 30 to 40. Modify the requirement for "strenuous" physical exercise for the 30-40 year old participants, changing the requirement to age appropriate strenuous physical exercise.

2) DACC earned release

Create a new earned release program for certain graduates of the Drug Abuse Correctional Center (DACC) program. Limit earned release program eligibility to match the limitations for the Challenge Incarceration program, i.e. exclude offenders convicted under s.940, S948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.095 offenses.

No age limit

3) Sentence Modification

Modify s.973.195, Sentence Adjustment, to delegate to DOC the authority to release certain inmates with sentences of 5 years or less (class G to I felonies) provided the crime is non assault and the offender has no assaultive history. Under this delegated authority, DOC could reduce the confinement time without review by district attorneys and victims. Inmates would have to meet all of the requirements listed under s.973.195 (1r) (b) 1, i.e. the inmate's conduct, and participation and progress in education, treatment and any other DOC identified programming needs is complete and satisfactory. Convert unused confinement time to extended supervision time.

Cancelled per Jim

~~11/11/11~~

~~P/c from Jim~~

~~Panel #3~~

~~11~~

Did not include analog to 302.45(3m)(c)

~~11~~ b/c it's redundant to 302.45(3m)(b)2.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1769/23

MGD:A:....

JLD

DOA:.....Johnston - BB0421, Challenge incarceration program; early release for graduates of Drug Abuse Correctional Center program

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

don't gen

1

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Drug Abuse Correctional Center

Under current law, DOC and DHFS operate the Drug Abuse Correctional Center program in Winnebago, which provides substance abuse treatment for prison inmates transferred there. This bill establishes an early release program for certain graduates of ~~the~~ ^{this} program. Under the bill, if DOC determines that a person has successfully completed the program, the person is released to parole or extended supervision. As is the case under DOC's boot camp program (described below), inmates convicted of violent crimes or certain offenses against children are not eligible for early release under this program.

DOC operates the boot camp for adults who are convicted before turning 30 and who have a substance abuse problem. A participant is required to perform strenuous physical exercise and manual labor and participate in counseling, substance abuse treatment, and military drill and ceremony programs. A person who successfully completes the program is released to parole or extended supervision, regardless of how much of his or her sentence the person has served.

boot camp

This bill specifies that a person is eligible for boot camp if he or she is under 40 at the start of the program. The bill also specifies that the strenuous exercise for participants who begin the program after turning 30 must be age appropriate.

years old

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 302.045 (1)[✓] of the statutes is amended to read:

2 302.045 (1) PROGRAM. The department shall provide a challenge incarceration
3 program for inmates selected to participate under sub. (2). The program shall
4 provide participants with ~~strenuous physical exercise~~, manual labor, personal
5 development counseling, substance abuse treatment and education, military drill
6 and ceremony ~~and~~, counseling, and strenuous physical exercise[✓], for participants who
7 have not attained the age of 30[✓] as of the date[✓] on which they begin participating in the program,
8 or age-appropriate[✓] strenuous physical exercise, for all other participants, in
9 preparation for release on parole or extended supervision. The department shall
10 design the program to include not less than 50 participants at a time and so that a
11 participant may complete the program in not more than 180 days. The department
12 may restrict participant privileges as necessary to maintain discipline.

History: 1989 a. 122; 1991 a. 39; 1993 a. 218, 227, 491; 1995 a. 456[✓]; 1997 a. 283; 2001 a. 109.

13 **SECTION 2.** 302.045 (2) (b) of the statutes is amended to read:

14 302.045 (2) (b) The inmate has not attained the age of 30, 40[✓] as of the date the
15 inmate will begin participating in the program.

History: 1989 a. 122; 1991 a. 39; 1993 a. 218, 227, 491; 1995 a. 456[✓]; 1997 a. 283; 2001 a. 109.

16 **SECTION 3.** 302.05 (3)[✓] of the statutes is created to read:

17 302.05 (3) (a) In this subsection[✓], “eligible inmate” means an inmate who is
18 incarcerated regarding a violation other than a crime specified in ch. 940[✓] or s. 948.02[✓],
19 948.025[✓], 948.03[✓], 948.05[✓], 948.055[✓], 948.06[✓], 948.07[✓], 948.075[✓], 948.08[✓], or 948.095[✓].

1 (b) Except as provided in par. (d),[✓] if the department determines that an eligible
2 inmate serving a sentence other than one imposed under s. 973.01[✓] has successfully
3 completed the treatment program described in sub. (1),[✓] the parole commission shall
4 parole the inmate for that sentence under s. 304.06,[✓] regardless of the time the inmate
5 has served. When the parole commission grants parole under this[✓] paragraph, it
6 must require the parolee to participate in an intensive supervision program for drug
7 abusers as a condition of parole.

8 (c) 1. Except as provided in par. (d),[✓] if the department determines that an
9 eligible inmate serving the term of confinement in prison portion of a bifurcated
10 sentence imposed under s. 973.01[✓] has successfully completed the treatment program
11 described in sub. (1),[✓] the department shall inform the court that sentenced the
12 inmate.

13 2. Upon being informed by the department under subd. 1.[✓] that an inmate whom
14 the court sentenced under s. 973.01 has successfully completed the treatment
15 program described in sub. (1),[✓] the court shall modify the inmate's bifurcated sentence
16 as follows:

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

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

1 (d) The department may place intensive sanctions program participants in the
 2 treatment program described in sub. (1), but pars. (b) and (c) do not apply to those
 3 participants.

History: 1989 a. 122; 1991 a. 39; 1993 a. 218, 227, 491; 1995 ~~a. 456~~; 1997 a. 283; 2001 a. 109.

4 **SECTION 4.** 302.113 (2) of the statutes is amended to read:

5 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
 6 section is entitled to release to extended supervision after he or she has served the
 7 term of confinement in prison portion of the sentence imposed under s. 973.01, as
 8 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)
 9 (c) 2. a., or 973.195 (1r), if applicable.

History: 1997 a. 283; 2001 a. 16, 109.

10 **SECTION 5.** 304.06 (1) (b) of the statutes is amended to read:

11 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
 12 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole commission may parole
 13 an inmate of the Wisconsin state prisons or any felon or any person serving at least
 14 one year or more in a county house of correction or a county reforestation camp
 15 organized under s. 303.07, when he or she has served 25% of the sentence imposed
 16 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62
 17 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an
 18 inmate serving a life term when he or she has served 20 years, as modified by the
 19 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if
 20 applicable. The person serving the life term shall be given credit for time served prior
 21 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
 22 secretary may grant special action parole releases under s. 304.02. The department
 23 or the parole commission shall not provide any convicted offender or other person

as affected by 2001 Wisconsin Act 109,

1 sentenced to the department's custody any parole eligibility or evaluation until the
2 person has been confined at least 60 days following sentencing.

NOTE: NOTE: Par. (b) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads:NOTE:

(b) Except as provided in sub. (1m) or s. 302.045(3), 961.49 (2), 973.01 (6) or 973.0135, the parole commission may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year or more in a county house of correction or a county reforestation camp organized under s. 303.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an inmate serving a life term when he or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if applicable. The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary may grant special action parole releases under s. 304.02. The department or the parole commission shall not provide any convicted offender or other person sentenced to the department's custody any parole eligibility or evaluation until the person has been confined at least 60 days following sentencing.

History: 1971 c. 125, 219; 1973 c. 90, 198, 333; 1975 c. 156, 199; 1977 c. 29, 353, 418, 449; 1979 c. 356; 1981 c. 266; 1983 a. 27, 64, 197, 528, 538; 1985 a. 262 s. 8; 1987 a. 244 ss. 1 to 3, 7; 1987 a. 412; 1989 a. 31 ss. 1699 to 1700p; Stats 1989 s. 304.06; 1989 a. 107, 122; 1991 a. 39; 1993 a. 79, 89, 97, 178, 194, 227, 289, 377, 479, 491; 1995 a. 27, 77, 352, 387, 444, 448; 1997 a. 133, 181, 237, 275, 283, 384, 326; 1999 a. 32; 2001 a. 109.

SECTION 6. 973.01 (4) of the statutes is amended to read:

973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A person sentenced to a bifurcated sentence under sub. (1) shall serve the term of confinement in prison portion of the sentence without reduction for good behavior. The term of confinement in prison portion is subject to extension under s. 302.113 (3) and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g), or 973.195 (1r).

History: 1997 a. 283; 2001 a. 109.

SECTION 9310. Initial applicability; corrections.

(1) DRUG ABUSE CORRECTIONAL CENTER EARNED RELEASE PROGRAM. The treatment of section 302.05 (3) of the statutes first applies to inmates receiving substance abuse treatment at the drug abuse correctional center on the effective date of this subsection.

(2) ADULT BOOT CAMP AGE LIMIT. The treatment of section 302.045 (1) and (2) (b) of the statutes first applies to persons sentenced on the effective date of this subsection.

(END)

Dsida, Michael

From: Dsida, Michael
Sent: Friday, February 07, 2003 2:27 PM
To: Johnston, James
Subject: RE: DACC earned release
Importance: High

Jim-

I never heard from you about this!

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@state.legis.wi.us
-----Original Message-----

From: Dsida, Michael
Sent: Monday, February 03, 2003 9:03 AM
To: Johnston, James
Subject: FW: DACC earned release

Jim --

Besides the offense-based eligibility criteria, do any of the other eligibility criteria for boot camp apply to this program? I know that the age restriction does not apply, but I wasn't sure about the others.

Also, will inmates who are in the program on the effective date of the bill be eligible for early release? (The answer to this may depend on your answer to the first question. For example, if the court needs to okay early release at sentencing, a current participant who is serving a bifurcated sentence would not be eligible for early release.)

2/7 Plc from Jim
-1769

Change title of 302.045

Add 302.045 (2) (cm) to 302.05

Change "earned release"



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-17694

MGD:jld:jf

NOW

DOA:.....Johnston - BB0421, Challenge incarceration program; early release for graduates of Drug Abuse Correctional Center program

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

don't gen

1 AN ACT ...; relating to: the budget.

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ADULT CORRECTIONAL SYSTEM

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DOC operates the boot camp for adults who are convicted before turning 30 years old and who have a substance abuse problem. A participant is required to perform strenuous physical exercise and manual labor and participate in counseling, substance abuse treatment, and military drill and ceremony programs. A person who successfully completes the boot camp program is released to parole or extended supervision, regardless of how much of his or her sentence the person has served.

This bill specifies that a person is eligible for boot camp if he or she is under 40 years old at the start of the boot camp program. The bill also specifies that the

strenuous exercise for participants who begin the boot camp program after turning 30 years old must be age appropriate.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

✓
NS
2-1 →

1 SECTION 1. 302.045 (1) of the statutes is amended to read:

2 302.045 (1) PROGRAM. The department shall provide a challenge incarceration
3 program for inmates selected to participate under sub. (2). The program shall
4 provide participants with ~~strenuous physical exercise~~, manual labor, personal
5 development counseling, substance abuse treatment and education, military drill
6 and ceremony ~~and, counseling, and strenuous physical exercise~~, for participants who
7 have not attained the age of 30 as of the date on which they begin participating in
8 the program, or age-appropriate strenuous physical exercise, for all other
9 participants, in preparation for release on parole or extended supervision. The
10 department shall design the program to include not less than 50 participants at a
11 time and so that a participant may complete the program in not more than 180 days.
12 The department may restrict participant privileges as necessary to maintain
13 discipline.

14 SECTION 2. 302.045 (2) (b) of the statutes is amended to read:

15 302.045 (2) (b) The inmate has not attained the age of ~~30~~, 40 as of the date the
16 inmate will begin participating in the program.

17 SECTION 3. 302.05 (3) of the statutes is created to read:

18 302.05 (3) (a) In this subsection, "eligible inmate" means an inmate
19 incarcerated regarding a violation other than a crime specified in ch. 940 or s. 948.02,
20 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, or 948.095.

to whom all
of the following
apply: ✓

Q 1. The inmate is
NS ✓
2/20

1 (b) Except as provided in par. (d), if the department determines that an eligible
2 inmate serving a sentence other than one imposed under s. 973.01 has successfully
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6 must require the parolee to participate in an intensive supervision program for drug
7 abusers as a condition of parole.

8 (c) 1. Except as provided in par. (d), if the department determines that an
9 eligible inmate serving the term of confinement in prison portion of a bifurcated
10 sentence imposed under s. 973.01 has successfully completed the treatment program
11 described in sub. (1), the department shall inform the court that sentenced the
12 inmate.

13 2. Upon being informed by the department under subd. 1. that an inmate whom
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16 as follows:

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20 information from the department under subd. 1.

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

23 (d) The department may place intensive sanctions program participants in the
24 treatment program described in sub. (1), but pars. (b) and (c) do not apply to those
25 participants.

1 **SECTION 4.** 302.113 (2) of the statutes is amended to read:

2 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
3 section is entitled to release to extended supervision after he or she has served the
4 term of confinement in prison portion of the sentence imposed under s. 973.01, as
5 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)
6 (c) 2. a., or 973.195 (1r), if applicable.

7 **SECTION 5.** 304.06 (1) (b) of the statutes, as affected by 2001 Wisconsin Act 109,
8 is amended to read:

9 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
10 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole commission may parole
11 an inmate of the Wisconsin state prisons or any felon or any person serving at least
12 one year or more in a county house of correction or a county reforestation camp
13 organized under s. 303.07, when he or she has served 25% of the sentence imposed
14 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62
15 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an
16 inmate serving a life term when he or she has served 20 years, as modified by the
17 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if
18 applicable. The person serving the life term shall be given credit for time served prior
19 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
20 secretary may grant special action parole releases under s. 304.02. The department
21 or the parole commission shall not provide any convicted offender or other person
22 sentenced to the department's custody any parole eligibility or evaluation until the
23 person has been confined at least 60 days following sentencing.

24 **SECTION 6.** 973.01 (4) of the statutes is amended to read:

✓
NS
4-23

1 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
 2 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
 3 confinement in prison portion of the sentence without reduction for good behavior.
 4 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
 5 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),
 6 or 973.195 (1r).

✓
 CS
 5/10

9

SECTION 9310. Initial applicability; corrections.

8 (1) ~~DRUG ABUSE CORRECTIONAL CENTER EARNED RELEASE PROGRAM.~~ The
 9 treatment of section 302.05 (3) of the statutes first applies to inmates receiving
 10 substance abuse treatment at the Drug Abuse Correctional Center on the effective
 11 date of this subsection.

12 (2) ADULT BOOT CAMP AGE LIMIT. The treatment of section 302.045 (1) and (2) (b)
 13 of the statutes first applies to persons sentenced on the effective date of this
 14 subsection.

(END)

15

 (3) Earned release program. The treatment of ~~sub~~
 section 302.05⁽³⁾ of the statutes first ^{applies} to persons
 sentenced on the effective date of this subsection.

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1769/2ins
MGD:.....

1 INSERT 2-1

2 SECTION 1. 302.045 (title) of the statutes is amended to read:

3 **302.045 (title) Challenge incarceration program for youthful offenders.**

4 History: 1989 a. 122; 1991 a. 39; 1993 a. 218, 227, 491; 1995 a. 456; 1997 a. 283; 2001 a. 109.

INSERT 2/20

5 2. If the inmate is serving a bifurcated sentence imposed under s. 973.01, the
6 sentencing court decided under s. 973.01 (3g) that the inmate is eligible to participate
7 in the earned release program described in this subsection.

8 INS SECTION 2. 972.15 (2b) of the statutes is created to read:

9 972.15 (2b) If the defendant is subject to being sentenced under s. 973.01 and
10 he or she satisfies the criteria under s. 302.05 (3) (a) 1., the person preparing the
11 presentence investigation report shall include in the report a recommendation as to
12 whether the defendant should be eligible to participate in the earned release
13 program under s. 302.05 (3).

14 INS 4-23 SECTION 3. 973.01 (3g) of the statutes is created amended to read:

15 973.01 (3g) EARNED RELEASE PROGRAM ELIGIBILITY. When imposing a bifurcated
16 sentence under this section on a person convicted of a crime other than a crime
17 specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07,
18 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its sentencing
19 discretion, decide whether the person being sentenced is eligible or ineligible to
20 participate in the earned release program under s. 302.05 (3) during the term of
21 confinement in prison portion of the bifurcated sentence.

22 History: 1997 a. 283; 2001 a. 109.

INS SECTION 4. 973.01 (8) (ag) of the statutes is created to read:

INS
5-6



1 973.01 (8) (ag) If the court provides under sub. (3g)[✓] that the person is eligible
2 to participate in the earned release program under s. 302.05 (3)[✓], the court shall also
3 inform the person of the provisions of s. 302.05 (3) (c).

History: 1997 a. 283; 2001 a. 109.

*end
of
imp
5-16*

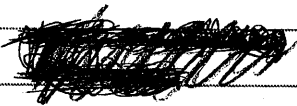
2/10 Plc to Jim Johnston

Suggested that current inmates ~~be~~ under
Bifurcated sentences be permitted to pet'n,
w/ DOC appv'l

This wd ~~be~~ avoid possible Eq Protection
problems

~~be~~ ~~the~~ Post-budget ~~be~~ sentenced inmate vs.
Pre-budget

Jim - go ahead



mmh

DOA:.....Johnston - BB0421, Challenge incarceration program; earned release for graduates of Drug Abuse Correctional Center program

FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION

Don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Under current law, DOC and DHFS operate the Drug Abuse Correctional Center program in Winnebago, which provides substance abuse treatment for prison inmates transferred there. This bill establishes an early release program for certain graduates of this program. Under the bill, if DOC determines that a person has successfully completed the Drug Abuse Correctional Center program, the person is released to parole or extended supervision. As is the case under DOC's boot camp program (described below), inmates convicted of violent crimes or certain offenses against children are not eligible for early release under this program.

DOC operates the boot camp for adults who are convicted before turning 30 years old and who have a substance abuse problem. A participant is required to perform strenuous physical exercise and manual labor and participate in counseling, substance abuse treatment, and military drill and ceremony programs. A person who successfully completes the boot camp program is released to parole or extended supervision, regardless of how much of his or her sentence the person has served.

This bill specifies that a person is eligible for boot camp if he or she is under 40 years old at the start of the boot camp program. The bill also specifies that the

Inmates who are sentenced under the "Truth in Sentencing" law are eligible only if the court authorizes their participation.

strenuous exercise for participants who begin the boot camp program after turning 30 years old must be age appropriate.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 302.045 (title) of the statutes is amended to read:

2 **302.045 (title) Challenge incarceration program for youthful offenders.**

3 SECTION 2. 302.045 (1) of the statutes is amended to read:

4 302.045 (1) PROGRAM. The department shall provide a challenge incarceration
5 program for inmates selected to participate under sub. (2). The program shall
6 provide participants with ~~strenuous physical exercise~~, manual labor, personal
7 development counseling, substance abuse treatment and education, military drill
8 and ceremony ~~and counseling, and strenuous physical exercise, for participants who~~
9 have not attained the age of 30 as of the date on which they begin participating in
10 the program, or age-appropriate strenuous physical exercise, for all other
11 participants, in preparation for release on parole or extended supervision. The
12 department shall design the program to include not less than 50 participants at a
13 time and so that a participant may complete the program in not more than 180 days.
14 The department may restrict participant privileges as necessary to maintain
15 discipline.

16 SECTION 3. 302.045 (2) (b) of the statutes is amended to read:

17 302.045 (2) (b) The inmate has not attained the age of 30, 40 as of the date the
18 inmate will begin participating in the program.

19 SECTION 4. 302.05 (3) of the statutes is created to read:

1 302.05 (3) (a) In this subsection, “eligible inmate” means an inmate to whom
2 all of the following apply:

3 1. The inmate is incarcerated regarding a violation other than a crime specified
4 in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075,
5 948.08, or 948.095.

6 2. If the inmate is serving a bifurcated sentence imposed under s. 973.01, the
7 sentencing court decided under s. 973.01 (3g) that the inmate is eligible to participate
8 in the earned release program described in this subsection.

9 (b) Except as provided in par. (d), if the department determines that an eligible
10 inmate serving a sentence other than one imposed under s. 973.01 has successfully
11 completed the treatment program described in sub. (1), the parole commission shall
12 parole the inmate for that sentence under s. 304.06, regardless of the time the inmate
13 has served. ^{if} ~~When~~ the parole commission grants parole under this paragraph, it
14 ^{shall} ~~must~~ require the parolee to participate in an intensive supervision program for drug
15 abusers as a condition of parole.

16 (c) 1. Except as provided in par. (d), if the department determines that an
17 eligible inmate serving the term of confinement in prison portion of a bifurcated
18 sentence imposed under s. 973.01 has successfully completed the treatment program
19 described in sub. (1), the department shall inform the court that sentenced the
20 inmate.

21 2. Upon being informed by the department under subd. 1. that an inmate whom
22 the court sentenced under s. 973.01 has successfully completed the treatment
23 program described in sub. (1), the court shall modify the inmate’s bifurcated sentence
24 as follows:

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

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

7 (d) The department may place intensive sanctions program participants in the
8 treatment program described in sub. (1), but pars. (b) and (c) do not apply to those
9 participants.

10 **SECTION 5.** 302.113 (2) of the statutes is amended to read:

11 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
12 section is entitled to release to extended supervision after he or she has served the
13 term of confinement in prison portion of the sentence imposed under s. 973.01, as
14 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)
15 (c) 2. a., or 973.195 (1r), if applicable.

16 **SECTION 6.** 304.06 (1) (b) of the statutes, as affected by 2001 Wisconsin Act 109,
17 is amended to read:

18 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
19 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole commission may parole
20 an inmate of the Wisconsin state prisons or any felon or any person serving at least
21 one year or more in a county house of correction or a county reforestation camp
22 organized under s. 303.07, when he or she has served 25% of the sentence imposed
23 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62
24 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an
25 inmate serving a life term when he or she has served 20 years, as modified by the

1 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if
2 applicable. The person serving the life term shall be given credit for time served prior
3 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
4 secretary may grant special action parole releases under s. 304.02. The department
5 or the parole commission shall not provide any convicted offender or other person
6 sentenced to the department's custody any parole eligibility or evaluation until the
7 person has been confined at least 60 days following sentencing.

8 **SECTION 7.** 972.15 (2b) of the statutes is created to read:

9 972.15 (2b) If the defendant is subject to being sentenced under s. 973.01 and
10 he or she satisfies the criteria under s. 302.05 (3) (a) 1., the person preparing the
11 presentence investigation report shall include in the report a recommendation as to
12 whether the defendant should be eligible to participate in the earned release
13 program under s. 302.05 (3).

14 **SECTION 8.** 973.01 (3g) of the statutes is created to read:

15 973.01 (3g) EARNED RELEASE PROGRAM ELIGIBILITY. When imposing a bifurcated
16 sentence under this section on a person convicted of a crime other than a crime
17 specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07,
18 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its sentencing
19 discretion, decide whether the person being sentenced is eligible or ineligible to
20 participate in the earned release program under s. 302.05 (3) during the term of
21 confinement in prison portion of the bifurcated sentence.

22 **SECTION 9.** 973.01 (4) of the statutes is amended to read:

23 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
24 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
25 confinement in prison portion of the sentence without reduction for good behavior.

1 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
2 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),
3 or 973.195 (1r).

4 **SECTION 10.** 973.01 (8) (ag)[✓] of the statutes is created to read:

5 973.01 (8) (ag) If the court provides under sub. (3g) that the person is eligible
6 to participate in the earned release program under s. 302.05 (3), the court shall also
7 inform the person of the provisions of s. 302.05 (3) (c).

8 **SECTION 9310. Initial applicability; corrections.**

9 (1) ADULT BOOT CAMP AGE LIMIT. The treatment of section 302.045 (1) and (2) (b)
10 of the statutes first applies to persons sentenced on the effective date of this
11 subsection.

12 (2) EARNED RELEASE PROGRAM. The treatment of section ^{973.01(3g) and (8)(ag)}~~302.05(3)~~ of the statutes
13 first applies to persons sentenced on the effective date of this subsection.

14 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1769/3ins
MGD:.....

1 **INSERT** 4/9

2 (e) If an inmate is serving the term of confinement portion of a bifurcated
3 sentence imposed under s. 973.01, the sentence was imposed before the effective date
4 of this paragraph ... [revisor inserts date], and the inmate satisfies the criteria under
5 s. 302.05 (3) (a) 1., the inmate may, with the department's approval, petition the
6 sentencing court to determine whether he or she is eligible or ineligible to participate
7 in the earned release program under this subsection during the term of confinement.
8 The inmate shall serve a copy of the petition on the district attorney who prosecuted
9 him or her, and the district attorney may file a written response. The court shall
10 exercise its discretion in granting or denying the inmate's petition but must do so no
11 later than 90 days after the inmate files the petition. If the court determines under
12 this paragraph that the inmate is eligible to participate in the earned release
13 program, the court shall inform the inmate of the provisions of par. (c).



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1769/3
MGD:jld:jf

DOA:.....Johnston – BB0421, Challenge incarceration program; earned release for graduates of Drug Abuse Correctional Center program

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Under current law, DOC and DHFS operate the Drug Abuse Correctional Center program in Winnebago, which provides substance abuse treatment for prison inmates transferred there. This bill establishes an early release program for certain graduates of this program. Under the bill, if DOC determines that a person has successfully completed the Drug Abuse Correctional Center program, the person is released to parole or extended supervision. As is the case under DOC's boot camp program (described below), inmates convicted of violent crimes or certain offenses against children are not eligible for early release under this program. Inmates who are sentenced under the "Truth in Sentencing" law are eligible only if the court authorizes their participation.

DOC operates the boot camp for adults who are convicted before turning 30 years old and who have a substance abuse problem. A participant is required to perform strenuous physical exercise and manual labor and participate in counseling, substance abuse treatment, and military drill and ceremony programs. A person who successfully completes the boot camp program is released to parole or extended supervision, regardless of how much of his or her sentence the person has served.

This bill specifies that a person is eligible for boot camp if he or she is under 40 years old at the start of the boot camp program. The bill also specifies that the strenuous exercise for participants who begin the boot camp program after turning 30 years old must be age appropriate.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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2 **302.045 (title) Challenge incarceration program for youthful offenders.**

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4 **302.045 (1) PROGRAM.** The department shall provide a challenge incarceration
5 program for inmates selected to participate under sub. (2). The program shall
6 provide participants with ~~strenuous physical exercise~~, manual labor, personal
7 development counseling, substance abuse treatment and education, military drill
8 and ceremony ~~and, counseling, and strenuous physical exercise, for participants who~~
9 have not attained the age of 30 as of the date on which they begin participating in
10 the program, or age-appropriate strenuous physical exercise, for all other
11 participants, in preparation for release on parole or extended supervision. The
12 department shall design the program to include not less than 50 participants at a
13 time and so that a participant may complete the program in not more than 180 days.
14 The department may restrict participant privileges as necessary to maintain
15 discipline.

16 **SECTION 3.** 302.045 (2) (b) of the statutes is amended to read:

17 **302.045 (2) (b)** The inmate has not attained the age of ~~30~~, 40 as of the date the
18 inmate will begin participating in the program.

19 **SECTION 4.** 302.05 (3) of the statutes is created to read:

1 302.05 (3) (a) In this subsection, “eligible inmate” means an inmate to whom
2 all of the following apply:

3 1. The inmate is incarcerated regarding a violation other than a crime specified
4 in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075,
5 948.08, or 948.095.

6 2. If the inmate is serving a bifurcated sentence imposed under s. 973.01, the
7 sentencing court decided under par. (e) or s. 973.01 (3g) that the inmate is eligible
8 to participate in the earned release program described in this subsection.

9 (b) Except as provided in par. (d), if the department determines that an eligible
10 inmate serving a sentence other than one imposed under s. 973.01 has successfully
11 completed the treatment program described in sub. (1), the parole commission shall
12 parole the inmate for that sentence under s. 304.06, regardless of the time the inmate
13 has served. If the parole commission grants parole under this paragraph, it shall
14 require the parolee to participate in an intensive supervision program for drug
15 abusers as a condition of parole.

16 (c) 1. Except as provided in par. (d), if the department determines that an
17 eligible inmate serving the term of confinement in prison portion of a bifurcated
18 sentence imposed under s. 973.01 has successfully completed the treatment program
19 described in sub. (1), the department shall inform the court that sentenced the
20 inmate.

21 2. Upon being informed by the department under subd. 1. that an inmate whom
22 the court sentenced under s. 973.01 has successfully completed the treatment
23 program described in sub. (1), the court shall modify the inmate’s bifurcated sentence
24 as follows:

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

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

7 (d) The department may place intensive sanctions program participants in the
8 treatment program described in sub. (1), but pars. (b) and (c) do not apply to those
9 participants.

10 (e) If an inmate is serving the term of confinement portion of a bifurcated
11 sentence imposed under s. 973.01, the sentence was imposed before the effective date
12 of this paragraph [revisor inserts date], and the inmate satisfies the criteria under
13 par. (a) 1., the inmate may, with the department's approval, petition the sentencing
14 court to determine whether he or she is eligible or ineligible to participate in the
15 earned release program under this subsection during the term of confinement. The
16 inmate shall serve a copy of the petition on the district attorney who prosecuted him
17 or her, and the district attorney may file a written response. The court shall exercise
18 its discretion in granting or denying the inmate's petition but must do so no later
19 than 90 days after the inmate files the petition. If the court determines under this
20 paragraph that the inmate is eligible to participate in the earned release program,
21 the court shall inform the inmate of the provisions of par. (c).

22 **SECTION 5.** 302.113 (2) of the statutes is amended to read:

23 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
24 section is entitled to release to extended supervision after he or she has served the
25 term of confinement in prison portion of the sentence imposed under s. 973.01, as

1 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)
2 (c) 2. a., or 973.195 (1r), if applicable.

3 **SECTION 6.** 304.06 (1) (b) of the statutes, as affected by 2001 Wisconsin Act 109,
4 is amended to read:

5 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
6 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole commission may parole
7 an inmate of the Wisconsin state prisons or any felon or any person serving at least
8 one year or more in a county house of correction or a county reforestation camp
9 organized under s. 303.07, when he or she has served 25% of the sentence imposed
10 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62
11 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an
12 inmate serving a life term when he or she has served 20 years, as modified by the
13 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if
14 applicable. The person serving the life term shall be given credit for time served prior
15 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
16 secretary may grant special action parole releases under s. 304.02. The department
17 or the parole commission shall not provide any convicted offender or other person
18 sentenced to the department's custody any parole eligibility or evaluation until the
19 person has been confined at least 60 days following sentencing.

20 **SECTION 7.** 972.15 (2b) of the statutes is created to read:

21 972.15 (2b) If the defendant is subject to being sentenced under s. 973.01 and
22 he or she satisfies the criteria under s. 302.05 (3) (a) 1., the person preparing the
23 presentence investigation report shall include in the report a recommendation as to
24 whether the defendant should be eligible to participate in the earned release
25 program under s. 302.05 (3).

1 **SECTION 8.** 973.01 (3g) of the statutes is created to read:

2 **973.01 (3g) EARNED RELEASE PROGRAM ELIGIBILITY.** When imposing a bifurcated
3 sentence under this section on a person convicted of a crime other than a crime
4 specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07,
5 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its sentencing
6 discretion, decide whether the person being sentenced is eligible or ineligible to
7 participate in the earned release program under s. 302.05 (3) during the term of
8 confinement in prison portion of the bifurcated sentence.

9 **SECTION 9.** 973.01 (4) of the statutes is amended to read:

10 **973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT.** A
11 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
12 confinement in prison portion of the sentence without reduction for good behavior.
13 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
14 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),
15 or 973.195 (1r).

16 **SECTION 10.** 973.01 (8) (ag) of the statutes is created to read:

17 **973.01 (8) (ag)** If the court provides under sub. (3g) that the person is eligible
18 to participate in the earned release program under s. 302.05 (3), the court shall also
19 inform the person of the provisions of s. 302.05 (3) (c).

20 **SECTION 9310. Initial applicability; corrections.**

21 **(1) ADULT BOOT CAMP AGE LIMIT.** The treatment of section 302.045 (1) and (2) (b)
22 of the statutes first applies to persons sentenced on the effective date of this
23 subsection.

1 (2) EARNED RELEASE PROGRAM. The treatment of section 973.01 (3g) and (8) (ag)
2 of the statutes first applies to persons sentenced on the effective date of this
3 subsection.

4

(END)