

2003 ASSEMBLY BILL 352

AN ACT *to repeal* 303.08 (1) (cg) and 303.08 (1) (cm); *to amend* 303.08 (1) (a), 303.08 (1) (b), 303.08 (1) (bn), 303.08 (1) (c), 303.08 (1) (cn), 303.08 (1) (d), 303.08 (14) and 973.09 (4) (a); and *to create* 303.08 (1) (f), 303.08 (1) (g), 303.08 (1) (h) and 303.08 (1) (i) of the statutes; **relating to:** circumstances under which a prisoner may be permitted to leave a jail.

Analysis by the Legislative Reference Bureau

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

- 1 **SECTION 1.** 303.08 (1) (a) of the statutes is amended to read:
2 303.08 (1) (a) Seeking employment or engaging in employment training;_
- 3 **SECTION 2.** 303.08 (1) (b) of the statutes is amended to read:
4 303.08 (1) (b) Working at employment;_
- 5 **SECTION 3.** 303.08 (1) (bn) of the statutes is amended to read:

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SECTION 3

1 303.08 (1) (bn) Performing community service work under s. 973.03;

2 **SECTION 4.** 303.08 (1) (c) of the statutes is amended to read:

3 303.08 (1) (c) Conducting any self-employed occupation including
4 housekeeping and attending the needs of the person's family;

5 **SECTION 5.** 303.08 (1) (cg) of the statutes is repealed.

6 **SECTION 6.** 303.08 (1) (cm) of the statutes is repealed.

7 **SECTION 7.** 303.08 (1) (cn) of the statutes is amended to read:

8 303.08 (1) (cn) Attending court proceedings to which the person is a party or
9 for which the person has been subpoenaed as a witness;

10 **SECTION 8.** 303.08 (1) (d) of the statutes is amended to read:

11 303.08 (1) (d) Attendance at an educational institution; ~~or.~~

12 **SECTION 9.** 303.08 (1) (f) of the statutes is created to read:

13 303.08 (1) (f) Obtaining counseling or therapy from an approved public
14 treatment facility, as defined in s. 51.45 (2) (c), an approved private treatment
15 facility, as defined in s. 51.45 (2) (b), a psychiatrist, a psychologist, a licensed clinical
16 social worker, a professional counselor licensed under ch. 457, or a certified
17 independent or advanced practice social worker who is authorized to practice
18 psychotherapy under ch. 457.

19 **SECTION 10.** 303.08 (1) (g) of the statutes is created to read:

20 303.08 (1) (g) Attending an assessment for the purpose of determining the
21 person's need for counseling or therapy under par. (f).

22 **SECTION 11.** 303.08 (1) (h) of the statutes is created to read:

23 303.08 (1) (h) Attending a parenting education program.

24 **SECTION 12.** 303.08 (1) (i) of the statutes is created to read:

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1 303.08 (1) (i) Meeting with the person's probation, extended supervision, or
2 parole officer.

3 **SECTION 13.** 303.08 (14) of the statutes is amended to read:

4 303.08 (14) In counties having a population of 500,000 or more, a prisoner
5 granted the privilege authorized under sub. (1) (a) to (d) or (f) to (i) shall be committed
6 to the county jail or any other facility for the housing of prisoners as determined by
7 ordinance by the county board.

8 **SECTION 14.** 973.09 (4) (a) of the statutes is amended to read:

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

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SECTION 14

1 order under par. (b) is to be confined in the tribal jail or the county jail, unless
2 otherwise provided under the agreement. In those counties, the sheriff may transfer
3 persons confined under this subsection between a tribal jail and a county jail, unless
4 otherwise provided under the agreement.

5 (END)